

TOWN OF MORRIS, CONNECTICUT

CODE OF ORDINANCES

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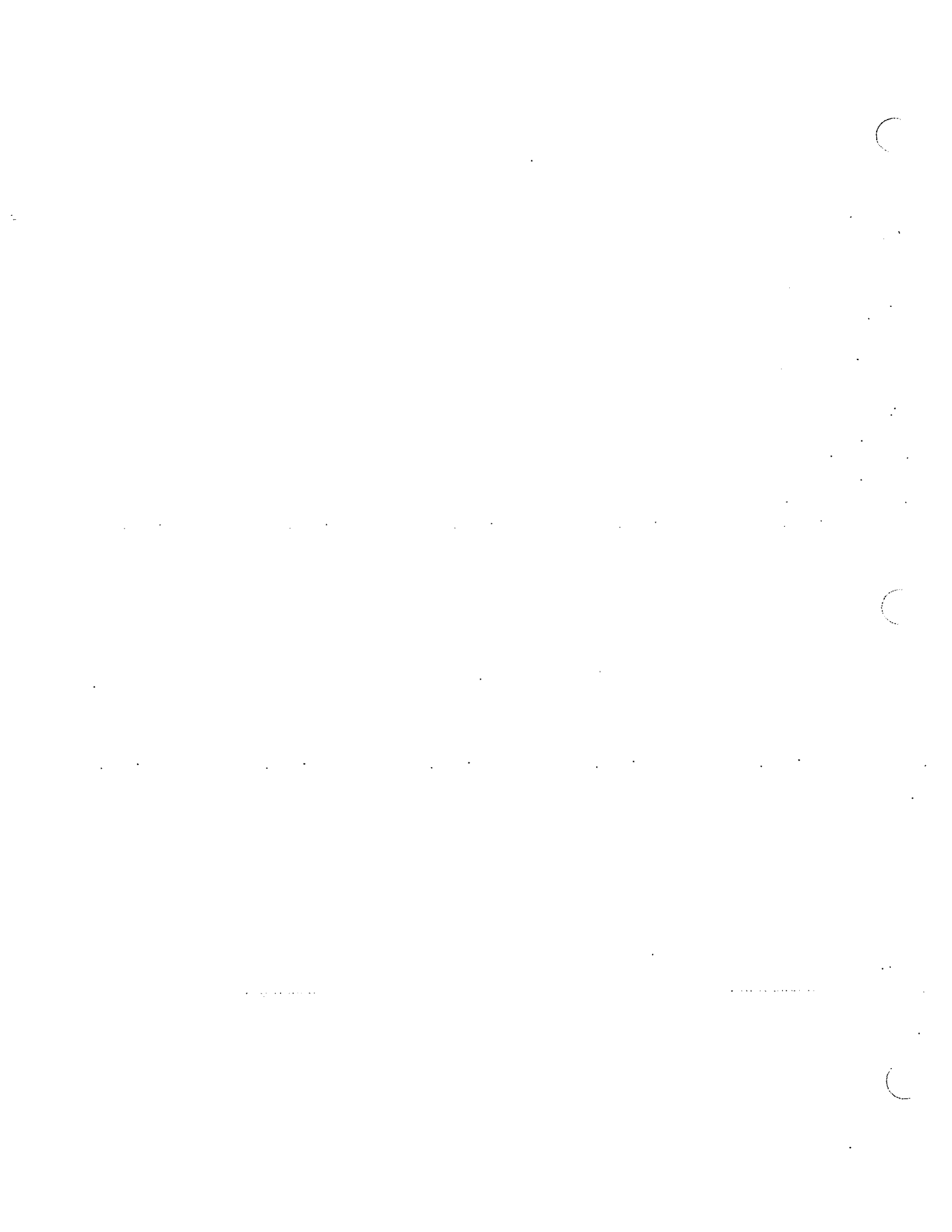
PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President



TOWN OF MORRIS
ORDINANCE ADOPTING THE CODE OF ORDINANCES
OF THE TOWN OF MORRIS, CT
Adopted May 30, 2018

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE TOWN OF MORRIS, CT REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING EXISTING ORDINANCES OF THE MUNICIPALITY.

WHEREAS, the present general and permanent ordinances of the Town of Morris are inadequately arranged and classified for the preservation of the public health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the General Statutes of the State of Connecticut authorize political subdivisions to revise, amend, restate, codify and compile any existing ordinances and all newly adopted ordinances and to incorporate such ordinances into one code of ordinance in book form; and

WHEREAS, the Legislative Authority of the Town of Morris has authorized a general compilation, revision and codification of the ordinances of the Town of Morris of a general and permanent nature and publication of such code of ordinances in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the preservation of the public health, safety and general welfare of the municipality that this ordinance take effect at the earliest possible date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE TOWN OF MORRIS, CONNECTICUT:

Section 1. The general ordinances of the Town of Morris as revised, amended, restated, codified, and compiled in book form entitled "Town of Morris, Connecticut Code of Ordinances", as corrected and supplemented by the "Morris Code of Ordinances - Additions and Corrections", are hereby adopted as and shall constitute the "Code of Ordinances of the Town of Morris, Connecticut."

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following Titles and such additional Titles as may be added in the future:

TITLE I: GENERAL PROVISIONS

10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

30. Organizations, Officials and Employees

31. Finance and Revenue; Taxation

TITLE V: PUBLIC WORKS

50. Solid Waste

TITLE VII: TRAFFIC CODE

70. Motor Vehicle Regulations

71. Parking Schedules

TITLE IX: GENERAL REGULATIONS

90. Automatic Alarm Systems

91. Recreation and Leisure

92. Fire Prevention and Protection

93. Animals

94. Noise

TITLE XI: BUSINESS REGULATIONS

- 110. General Business Provisions
- 111. Peddlers, Hawkers, Canvassers

TITLE XIII: GENERAL OFFENSES**TITLE XV: LAND USAGE**

- 150. General Provisions
- 151. Building Regulations; Construction
- 152. Streets and Roads

Section 3. All prior ordinances pertaining to the subjects included in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are included and readopted in whole or in part in the Code; provided, however, such repeal shall not affect any offense committed or penalty incurred, or any vested right or property interest established, prior to the effective date of this ordinance; nor shall such repeal affect the provisions of ordinances previously levying taxes, appropriating money, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements or dedication of land to public use, establishing, accepting or discontinuing public highways, or adopting the subdivision, zoning or inland wetlands and watercourses regulations of the Town of Morris, or establishing Regional School District #6; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. The Code shall take effect fifteen (15) days after adoption and approval by the Legislative Authority and publication of a summary of this ordinance in a newspaper having circulation in the Town of Morris in accordance with Connecticut General Statutes §7-157. The Town Clerk is hereby authorized to file the Code of Ordinances in the Office of the Clerk and with such state offices as required by Connecticut General Statutes §7-148a, to make available to the public copies of the Code at the cost allowed by Connecticut General Statutes §1-212 or the Town's costs of the publication, whichever is less, and to publish the Code on the Town's website.

Section 5. The Code shall be in full force and effect, and the Code shall be presumptive evidence in all courts and places of the ordinances of the Town of Morris and all provisions, sections, penalties and regulations therein contained as of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any notices thereof as required by law have been lawfully published.

ATTEST:

Laura Halloran
Town Clerk

Adopted by a town meeting held: May 30, 2018.
Published in the: Republican American on June 20, 2018.
Effective date: July 4, 2018.
Recorded in the Morris Town Records: Vol. __, Pg. __.

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time
- 10.13 Continuation of existing law; ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinance
- 10.17 Ordinances which amend or supplement code
- 10.18 Section histories; statutory references

- 10.99 General penalty

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Town of Morris shall be designated as the "Code of Morris" or "this code" and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD or **BOARD OF SELECTMEN**. The executive authority of the Town of Morris.

CODE, THIS CODE or **THIS CODE OF ORDINANCES**. This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

CONN. GEN. STAT. or **GENERAL STATUTES**. The revision of 1958 of the General Statutes of the State of Connecticut and all amendments thereto.

COUNTY. Litchfield County, Connecticut.

FIRST SELECTMAN. The chief executive officer of the Town of Morris.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in these cases, the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or **DEPARTMENT**. An officer, office, employee, commission or department of the town unless the context clearly requires otherwise.

OWNER. Applied to a building or land, includes any part owner, joint owner, with right of survivorship, tenant in common, tenant in partnership or joint tenant of the whole or of a part of the building or land.

PERSON.

(a) Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver.

(b) Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIDEWALK. Any portion of the street, usually lying on either side thereof, between the curb and the adjacent property line, intended for the use of pedestrians.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Connecticut.

STREET. Includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the town, and all that part thereof from the property line of the premises abutting thereon.

SUBCHAPTER.

(a) A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading.

(b) Not all chapters have **SUBCHAPTERS**.

TENANT, OCCUPANT. Applied to a building or land, mean any person who occupies the whole or a part of the building or land, whether alone or with others.

TOWN. The Town of Morris, Connecticut.

TOWN MEETING. The legislative authority of the Town of Morris.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words *YEAR OF OUR LORD*.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of the town shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) *AND* or *OR*. Either conjunction shall include the other as if written "and/or", if the sense requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated, unless expressly so limited.

(E) *Joint authority*. All words giving a joint authority to three or more persons or officers shall be construed as giving the authority to a majority of the persons or officers unless otherwise specifically provided.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the town exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within the municipality for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, *REASONABLE TIME OR NOTICE* shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

§ 10.13 CONTINUATION OF EXISTING LAW; ORDINANCES REPEALED.

(A) The provisions appearing in this code, insofar as they are the same as those of the ordinances existing at the time of the adoption of this code, shall be considered as continuations thereof and not as new enactments.

(B) (1) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(2) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

(A) All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

(B) Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) This Code shall be amended in the same manner as prescribed by statute for the adoption of an ordinance by a town meeting held pursuant to the Conn. Gen. Stat. § 7-1, warned by the Board of Selectmen pursuant to Conn. Gen. Stat. § 7-3 and published pursuant to Conn. Gen. Stat. § 7-157(b).

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, or policy or other document, as applicable, are listed following the text of the code section. Example: (Ord. passed 5-13-1960; Ord. passed 1-1-1970; Ord. passed 1-1-1980; Ord. passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (Conn. Gen. Stat. § 7-340)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see Conn. Gen. Stat. § 1-210 and 1-211

§ 10.99 GENERAL PENALTY.

(A) (1) Whenever in this code, or in any other ordinance, rule or regulation promulgated by any officer or agency of the town under authority vested in him, her or it by law or ordinance, any act is prohibited or declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty, including a referral to community court, is provided therefor either by this code or state law, the violation of any provision of this code, or any other ordinance, rule or regulation shall be punished by a fine not exceeding \$100.

(2) Each day any violation of this code or any ordinance, rule or regulation of the town continues shall constitute a separate offense.

(B) (1) Pursuant to Conn. Gen. Stat. § 7-152c, the First Selectman shall appoint one or more Citation Hearing Officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this division (B).

(2) The First Selectman, or his or her designee, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance of the town adopted pursuant to Conn. Gen. Stat. §§ 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

(a) Of the allegations against him or her and the amount of the fines, penalties, costs or fees due;

(b) He or she may contest his or her liability before a Citation Hearing Officer by delivering in person or by mail written notice within ten days of the date thereof;

(c) If he or she does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

(d) Such judgment may issue without further notice.

(3) If the person who is sent notice pursuant to division (B)(2) above wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the First Selectman. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in division (B)(2) above shall be deemed to have admitted liability, and the municipal official designated by the First Selectman shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall, thereupon, enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance(s) and shall follow the procedures set forth in division (B)(5) below. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days, nor more than 30 days, from the date of the mailing of notice; provided, the Hearing Officer shall grant upon good cause shown any reasonable request by any interest party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the town and shall be deemed to be a business record within the scope of Conn. Gen. Stat. § 52-180 and evidence of the facts contained therein. The presence of the issuing official shall be required at the hearing of such person so requests. A person wishing to contest his or her liability shall appear at the hearing and may present evidence in his or her behalf. A municipal official designated by the First Selectman, other than the Hearing Officer, may present evidence on behalf of the town. If such person fails to appear, the Hearing Officer may enter and assessment by default against him or her upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he or she deems fair and appropriate. The rules regarding the

admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If he or she determines that the person is not liable, he or she shall dismiss the matter and enter his or her determination in writing accordingly. If he or she determines that the person is liable for the violation, he or she shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the town.

(4) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by certified mail, return receipt requested, a notice of the assessment to the person found liable and shall file, not less than 30 days, nor more than 12 months, after such mailing, a certified copy of the notice of assessment with the Clerk of the Connecticut Superior Court, G.A. #18, together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such 12-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the town. Notwithstanding any other provision of the General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and levy of execution on such judgment may issue without further notice to such person.

(5) A person against whom an assessment has been entered pursuant to this division (B) is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Conn. Gen. Stat. § 52-259, in the state's Superior Court, G.A. #18, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

(6) This division (B) became effective 15 days after its publication in a newspaper having circulation in the town (11-16-2001).

(Ord. passed 10-24-2001)

Statutory reference:

Maximum statutory penalty for ordinance violations, see Conn. Gen. Stat. § 7-148(c)(10)(A)

TITLE III: ADMINISTRATION

Chapter

30. ORGANIZATIONS, OFFICIALS AND EMPLOYEES

31. FINANCE AND REVENUE; TAXATION

CHAPTER 30: ORGANIZATIONS, OFFICIALS AND EMPLOYEES

Section

General Provisions

- 30.01 Uniform elected officials' term start date
- 30.02 Town Clerk and Registrar of Voters; term and compensation
- 30.03 Town Treasurer; Deputy Treasurer
- 30.04 Interlocal agreements

Boards, Commissions, Councils and Authorities

- 30.15 Volunteer Fire Department, Inc.; emergency response
- 30.16 Board of Assessment Appeals
- 30.17 Bantam Lake Authority
- 30.18 Beach and Recreation Commission
- 30.19 Conservation Commission
- 30.20 Economic Development Commission
- 30.21 Board of Finance
- 30.22 Inland Wetlands Commission
- 30.23 Northwest Hills Council of Governments
- 30.24 Housing Authority
- 30.25 Pension Board of Trustees
- 30.26 Planning and Zoning Commission; Zoning Board of Appeals
- 30.27 Sandy Beach Commission
- 30.28 Senior Center Commission
- 30.29 Sewer Authority; Sewer Commission
- 30.30 Traffic Authority

GENERAL PROVISIONS

§ 30.01 UNIFORM ELECTED OFFICIALS' TERM START DATE.

(A) Notwithstanding any provision in any ordinance of the town to the contrary, and except as otherwise specifically required by General Statutes, commencing with the November 2011 election, the term of each elected municipal official, other than the Town Clerk, shall begin on the second Tuesday

next following the day of the municipal election at which such official is elected. The terms of office of any incumbent elected municipal officials affected by this section shall be adjusted to conform to the term commencement date herein established.

(B) This section became effective 15 days after its publication in a newspaper having circulation in the town (5-4-2010).
(Ord. passed 4-13-2010)

§ 30.02 TOWN CLERK AND REGISTRAR OF VOTERS; TERM AND COMPENSATION.

(A) This division (A) provides for a four-year term for the Town Clerk and the Registrar of Voters by ordinance according to Public Act 494 of the 1971 session of the General Assembly effective at next elections.

(B) (1) In accordance with authorization of Conn. Gen. Stat. § 7-34b, the Town Clerk shall receive a salary in lieu of all fees and other compensation provided for in the General Statutes from and after the effective date of this division (B). The fees and other compensation provided by the General Statutes to be paid to the Town Clerk shall be collected by the Town Clerk and shall be remitted to the Treasurer of the town on or before the tenth day of each month.

(2) The salary of the Town Clerk shall be established from time to time by the legislative body of the town. The Town Clerk shall receive all the fringe benefits received by all other employees of the town.

(3) This division (B) became effective 7-1-1980.
(Ord. passed - -; Ord. passed 5-14-1980)

§ 30.03 TOWN TREASURER; DEPUTY TREASURER.

(A) *Appointment.* Commencing on the effective date of this section, and thereafter, the Board of Selectmen shall appoint the Town Treasurer in lieu of election of the Town Treasurer at the municipal election.

(B) *Term.* The term of the Town Treasurer initially appointed shall expire on November 19, 2019. Thereafter, the Town Treasurer shall serve for a term of two years commencing on the second Tuesday following the November municipal election and ending on the second Tuesday following the municipal election every two years thereafter, and until a successor is appointed and has qualified.

(C) *Qualifications.* The Town Treasurer need not be an elector of the town but shall not concurrently hold any incompatible municipal office as defined by law. The Board of Selectmen may prescribe additional qualifications required for the office.

(D) *Deputy Treasurer.* The Town Treasurer may, within the limit of available appropriations, appoint a Deputy Treasurer, who need not be an elector of the town, and who shall be approved by the Board of Selectmen, and shall serve for a term of two years to run concurrently with that of the Town Treasurer, and until a successor is appointed and has qualified.

(E) *Vacancies.* Any vacancy in the office of Town Treasurer shall be filled by appointment of the Board of Selectmen for the remainder of the term. Any vacancy in the office of Deputy Treasurer shall be filled by appointment of the Town Treasurer with the approval of the Board of Selectmen for the remainder of the term.

(F) *Bond.* The Board of Selectmen shall require of the Town Treasurer and the Deputy Treasurer sufficient bond, with surety, conditioned for the faithful discharge of their official duties as required by Conn. Gen. Stat. § 7-12.

(G) *Removal.* The Board of Selectmen may remove the Town Treasurer or the Deputy Treasurer from office for just cause, after written notice and a hearing before the Board at which the Treasurer or Deputy Treasurer shall have the right to be represented by legal counsel and to be heard, including the right to call witnesses and to present evidence. The failure to reappoint the Town Treasurer or the Deputy Treasurer on expiration of the term of office shall be considered to be removal from office.

(H) *Validation.* The adoption of this section shall not in any way affect the term of office of the incumbent Town Treasurer or Deputy Treasurer or the validity of any act performed or action taken by them. Any defect in the appointment of any subsequent Town Treasurer or Deputy Treasurer under this section shall not affect the validity of any act performed or action taken by them.
(Ord. passed 6-28-2018)

§ 30.04 INTERLOCAL AGREEMENTS.

(A) *Definitions.* The terms *PUBLIC AGENCY*, *INTERLOCAL AGREEMENT*, *INTERLOCAL ADVISORY BOARD*, *PARTICIPATING PUBLIC AGENCY*, and *LEGISLATIVE BODY* shall have the same meanings as defined in Conn. Gen. Stat. § 7-339b, as amended.

(B) *Interlocal agreements.* The town authorizes its Board of Selectmen to enter into, ratify, reject, amend, or withdraw from, any interlocal agreement for one or more of the purposes, and subject to the terms and conditions set forth in Conn. Gen. Stat. §§ 7-339b through 7-339l, inclusive, as amended; provided, however, the Board of Selectmen provides an opportunity for public comment prior to taking such action; and provided further, that any commitment of municipal funds required which was not previously approved by the town shall be approved by the Board of Finance, and if necessary, a town meeting.

(Ord. passed 5-30-2018)

*BOARDS, COMMISSIONS, COUNCILS AND AUTHORITIES***§ 30.15 VOLUNTEER FIRE DEPARTMENT, INC.; EMERGENCY RESPONSE.**

(A) Any active member of the town's Volunteer Fire Department, Inc. who is an employee of the town may respond to emergency calls during work hours without any loss in pay.

(B) This section became effective 15 days after its publication in a newspaper having circulation in the town (11-10-2000).
(Ord. passed 10-25-2000)

§ 30.16 BOARD OF ASSESSMENT APPEALS.

(A) (1) Pursuant to Conn. Gen. Stat. § 9-199(c) and commencing with the 10-1-2000 assessment year, the town's legislative body (at a town meeting) is authorized to appoint, in its discretion, up to three additional members of the Board of Assessment Appeals for any assessment year in which a revaluation becomes effective and for the assessment year following such year of revaluation.

(2) The composition of the Board of Assessment Appeals, including members appointed pursuant to the terms of this section, shall be subject to the provisions of Conn. Gen. Stat. § 9-167a.

(3) The terms of office of members of the Board of Assessment Appeals appointed pursuant to the provisions of this section shall commence immediately upon being appointed and duly sworn into office and shall terminate when all matters decided by the Board of Assessment Appeals for any year in which a revaluation becomes effective and for the assessment year following such year of revaluation shall have been finally decided with no further right to court appeal.

(B) This section became effective 2-15-2001.
(Ord. passed 1-30-2001)

§ 30.17 BANTAM LAKE AUTHORITY.

(A) (1) The town, in the pursuance of Conn. Gen. Stat. § 7-151a, hereby joins with the Town of Litchfield in the creation of the Bantam Lake Authority consisting of six members, three from the Town of Litchfield and three to be appointed from the town. The committee shall be elected from the floor at this meeting and shall serve until the next annual town meeting. Each new member will serve for a term of three years.

(2) In the event a vacancy occurs or elected members are unable to serve, the Board of Selectmen are empowered to fill such vacancy.

(3) Said Authority shall prepare a budget annually and submit the same to the Boards of Finance of each town for inclusion in the annual budget of each town and shall submit a report of its activities and expenditures to the Board of Selectmen of each town not later than September 1 of each year.

(4) This division (A) became effective 2-19-1968.

(B) (1) As per Conn. Gen. Stat. § 7-151a, Bantam Lake Authority has the powers to:

(a) Control and abate algae and aquatic weeds in cooperation with the state's Water Resources Commission;

Morris - Administration

(b) To study water management including, but not limited to, water depth and circulation and make recommendations for action to its member towns;

(c) Shall have the power to enforce any town ordinance affecting said body of water; and

(d) The Lake Authority shall have no jurisdiction and shall in no way conflict with responsibilities of the state's Fish and Game Board.

(2) This division (B) became effective 15 days after publication (11-4-1969).
(Ord. passed - -; Ord. passed - -)

§ 30.18 BEACH AND RECREATION COMMISSION.

(A) (1) The Board of Selectmen establishes a Beach and Recreation Commission within the town, which shall have all powers to enforce the present and future regulations governing the Morris Town Beach, Harry Weik Recreation Area and Whittlesey-Harrison Recreation Field (together the "recreation facilities"). To make such regulations as may be necessary to promote health, safety and recreational activities for the residents of the town or others using the recreation facilities.

(2) The Commission shall have the right to accept donations of money and/or property, and to expend or dispose of the same for any lawful purpose designated by the donor.

(3) Funds allocated to the Beach and Recreation Commission by the town shall be expended for: the maintenance, repair and improvement of facilities; personnel; operations; and programs approved by the Commission. The Commission shall have the right to impose and collect appropriate fees for programming and permitting.

(4) The Commission shall act as agent for the town in the employment of a Recreation Director.

(5) The Commission shall approve all programming proposed by the Recreation Director prior to its inception.

(B) The Commission shall consist of seven members, all of whom shall be electors of the town. The members of the said Commission to be appointed by the Board of Selectmen shall appoint members to serve for a period of five years from the date of their appointments or until their successors shall have been appointed and shall have qualified.

(C) (1) Recreation facilities closed at sunset, except by permit.

(2) Any local organization wishing to use any of the recreation facilities for special events should send a letter to Beach and Recreation Commission for permission, date, permit and field use regulations.

(3) Recreation facilities speed limit is ten mph.

(4) No pets on beach. Pets must be leashed off beach and all solid animal waste must be removed.

(5) Children under 12 years of age must be accompanied by an adult unless under the supervision of a member of their family 16 years of age or over.

(6) Swim is at own risk. No lifeguard on duty.

(7) Glass of any kind, metal cans or toys capable of inflicting injury are prohibited on the beach area.

(8) The lifeline surrounding the swimming area is there for protection. Swimmers are not permitted to hang on it or the buoys.

(9) Littering is prohibited. Please keep recreation facilities clean.

(10) Use or possession of alcohol is strictly prohibited at all recreation facilities.

(11) No open fires. All fires must be extinguished before leaving.

(12) All motorcraft and skiers must be kept out of the restricted area.

(13) No motorcraft may be operated in excess of five mph within 150 feet of the shore.

(14) No launching of motorized vessels from the Morris Town Beach.

(15) No recreational trailers in the Morris Town Beach parking lot.

(16) No golf.

(D) This section became effective 15 days after its publication in a newspaper having circulation in the town (5-6-2010).

(Ord. passed 4-27-1984; Ord. passed 3-17-1999; Ord. passed 4-13-2010)

§ 30.19 CONSERVATION COMMISSION.

(A) The town hereby establishes a Conservation Commission pursuant to the provisions of Conn. Gen. Stat. § 7-131a.

(B) The Conservation Commission shall consist of five regular members and one alternate member who shall be appointed by the First Selectman.

(C) After the appointment of the initial members and alternate member of the Conservation Commission, all members and alternate members shall serve three-year terms.

(D) This section became effective 15 days after its publication in a newspaper having circulation in the town (8-4-2009).
(Ord. passed 7-15-2009)

§ 30.20 ECONOMIC DEVELOPMENT COMMISSION.

(A) *Establishment.* Pursuant to the provisions of Conn. Gen. Stat. § 7-136, revised to 1-1-2001, the town accepts the provisions of Conn. Gen. Stat. § 7-136 and establishes an economic development commission for the promotion and development of the economic resources of the town.

(B) *Membership.* The town's Economic Development Commission shall consist of seven members appointed by the Board of Selectmen. All members shall serve for terms of five years or until their successors are appointed and duly qualified. The provisions of Conn. Gen. Stat. § 9-167a, concerning minority representation shall apply to all appointments.

(C) *Vacancies.* Any vacancy in the membership of the Commission shall be filled for the unexpired portion of the term by the Board of Selectmen.

(D) *Removal.* Any member may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.

(E) *Compensation.* The members of the Commission shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses incurred in the performance of their official duties.

(F) *Duties.* The town's Economic Development Commission shall conduct research into the economic conditions and trends in the town, shall make recommendations to appropriate officials and agencies of the town regarding action to improve the town's economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which, in its judgment, will further its official purposes.

(G) *Reports.* The town's Economic Development Commission shall annually prepare and transmit to the town meeting a report of its activities and of its recommendations for improving such economic conditions and development.

(H) *Effective date.* This section became effective 10-12-2002.
(Ord. passed 9-26-2002)

§ 30.21 BOARD OF FINANCE.

(A) *Creation.* There shall be two alternate members of the Board of Finance who shall be electors and taxpayers of the town and shall not be employees of the town.

(B) *Organization, election.* Commencing with the 2013 regular biennial town election and at each regular biennial town election thereafter, there shall be elected as many alternate members of the Board of Finance as there are alternate members whose terms then expire, such newly elected alternate members to serve a term of six years until the next applicable biennial town election and until their successors are duly elected and qualified.

(C) *Vacancies.* Any vacancy in the alternate members of the Board of Finance shall be filled by the Board of Finance within 30 days of the occurrence of such vacancy until the next regular biennial town election, when the unexpired term, if any, shall be filled by the electors of the town.

(D) *No compensation.* No alternate member of the Board of Finance shall receive any compensation from the town for his or her services in that capacity.

(E) *Effective date.* This section became effective 15 days after its publication in a newspaper having circulation in the town (12-2-2006).
(Ord. passed 11-16-2006)

§ 30.22 INLAND WETLANDS COMMISSION.

(A) *Change of name.* The town hereby changes the name of the town's Conservation Commission and Inland Wetlands and Watercourses Agency (constituted pursuant to an ordinance adopted at a town meeting on 1-18-1965, as amended at a 10-2-1972 town meeting, and an ordinance adopted at a town meeting on 9-25-1979) to the town's Inland Wetlands Commission and revokes and rescinds all of its statutory powers as a conservation commission pursuant to Conn. Gen. Stat. § 7-131a. The Inland Wetlands Commission shall continue to exercise all the powers, duties and responsibilities to carry out the provisions of Conn. Gen. Stat. §§ 22a-36 through 22a-45, as the same may be amended from time to time, including the promulgation of such regulations, in conformity with the regulations adopted by the Commissioner of the state's Department of Environmental Protection, pursuant to Conn. Gen. Stat. § 22a-39, as are necessary to protect the wetlands and watercourses within the territorial limits of the town.

(B) *Members: number, term, vacancy.*

(1) The town's Inland Wetlands Commission shall consist of five members appointed by the Board of Selectmen for three-year terms.

(2) The present Conservation Commission and Inland Wetlands and Watercourses Agency members shall serve the remainder of their respective terms on the town's Inland Wetlands Commission.

(3) Any vacancy among the members or alternate members of the town's Inland Wetlands Commission shall be filled for the balance of the term by the Board of Selectmen within 30 days after the vacancy occurs.

(C) *Alternate member.* There shall be one alternate member of the town's Inland Wetlands Commission who shall be appointed by the Board of Selectmen to serve a three-year term.

(D) *Regulations to continue.* The Inland Wetlands and Watercourse regulations previously adopted by the town's Conservation Commission and Inland Wetlands and Watercourses Agency, through and including the revisions adopted on 6-25-2008 shall continue to govern all actions and decisions of the town's Inland Wetlands Commission until such time as the town's Inland Wetlands Commission amends said regulations or promulgates new regulations in accordance with the General Statutes.

(E) *Effective date.* Sections (A) through (E) became effective 15 days after its publication in a newspaper having circulation in the town (6-9-2009).

(F) *Expansion of powers and duties of Commission.*

(1) *Authorization.* This division is adopted pursuant to Conn. Gen. Stat. §§ 7-148(c)(8)(A), 8-2(a) and 22a-36 to 22a-45 inclusive, as there is an urgent need for the town, through a suitable municipal agency, to regulate and otherwise control stormwater runoff and its illicit discharge so that the public health and safety as well as natural resources are protected from harm.

(2) *Intent.* This division provides the minimum content for implementing and enforcing Connecticut's stormwater management program consistent with Conn. Gen. Stat. §§ 7-148(c)(8)(A), 8-2(a) and 22a-36 to 22a-45 inclusive.

(3) *Agency responsible.* It has been determined that it is in the best interest of the town to designate the Inland Wetlands Commission, as the responsible agency for stormwater management. As the duly appointed agency for stormwater management, it shall have all of the authority provided by Conn. Gen. Stat. §§ 7-148(c)(8)(A), 8-2(a) and 22a-36 to 22a-45 inclusive, including enforcement, and its jurisdiction shall apply to all development occurring within the incorporated areas of the town, including but not limited to stormwater management and in the areas of post construction and illicit discharge and connection.

(4) *Adoption of regulations.* Pursuant to its authority as the stormwater agency for the town the Inland Wetlands Commission shall adopt necessary regulations so that it may administer, implement, and enforce the provisions of this division.

(5) *Continuing authority.* Said Commission shall maintain all the powers and responsibilities authorized under said general statutes and public act, concerning inland wetlands and watercourses, Conn. Gen. Stat. § 22a-36 to 22a-45 inclusive, as the same may be amended from time to time. (Ord. passed 5-13-2009; Ord. passed 5-25-2016)

§ 30.23 NORTHWEST HILLS COUNCIL OF GOVERNMENTS.

(A) The town hereby ratifies the action of the Litchfield Hills Council of Elected Officials at its meeting of 7-12-2013 to join the Northwest Hills Council of Governments, effective 1-1-2014, and, toward that end, the Litchfield Hills Council of Elected Officials' formal adoption of Conn. Gen. Stat. §§ 4-124i to 4-124p, inclusive, in accordance with the procedures set forth in Conn. Gen. Stat. § 4-124j.

(B) This section became effective 15 days after its publication in a newspaper having circulation in the town (8-30-2013).

(Ord. passed 12-10-1985; Ord. passed 8-14-2013)

§ 30.24 HOUSING AUTHORITY.

(A) There is hereby declared to be a need for a housing authority in the town.

(B) The town's Housing Authority may transact all business and exercise all the powers of a municipal housing authority as authorized by Conn. Gen. Stat. Ch. 128, as amended.

(C) Pursuant to Conn. Gen. Stat. § 8-41 as amended, the town's Housing Authority shall consist of five Commissioners, each to serve for a term until their respective successors are duly elected and qualified.

(D) Thereafter, each successor shall serve for a term of five years. Any vacancy arising during said term shall be filled by the remaining Commissioners until the expiration of said term. Once the town's Housing Authority has constructed a housing project, at least one Commissionship shall be a tenant who has resided in such housing project for at least one year, who shall be qualified to vote on all matters, except the establishment or revision of rents.

(E) No Commissioner may hold any other public office in the town. A Commissioner may be removed for cause in accordance with Conn. Gen. Stat. § 8-43.

(F) The Chairperson of the town's Housing Authority shall be chosen by town meeting from the Commissioners initially elected and, thereafter, the Chairperson shall be chosen by the Commissioners themselves.

(G) Pursuant to Conn. Gen. Stat. Ch. 128, as amended, the town's Housing Authority is empowered to adopt by-laws, rules and regulations governing its operations.

(Ord. passed 6-30-1987)

§ 30.25 PENSION BOARD OF TRUSTEES.

(A) At a special town meeting on 4-14-1975, the town established a pension plan. Within the plan were the provisions to establish the Pension Trustee, in particular under summary of the Plan Item O: Administration of the Plan.

(B) (1) A Board of Trustees consisting of three members will be appointed by the unanimous vote of the Board of Selectmen to administer the plan.

(2) The Trustees will be appointed for three-year terms. Employees who are participants shall not serve as Trustees.

(C) This section became effective 7-1-1975.
(Ord. passed 4-14-1975)

§ 30.26 PLANNING AND ZONING COMMISSION; ZONING BOARD OF APPEALS.

(A) (1) Pursuant to the provisions of Conn. Gen. Stat. Ch. 124, revision of 1958, as amended, there is hereby established a Planning and Zoning Commission of the town, which shall have and exercise all of the powers and duties of such Commission as are provided by law.

(2) Said Planning and Zoning Commission shall consist of nine regular members and three alternate members, all of whom shall be electors of the town and shall be elected as hereinafter provided.

(3) (a) Nine regular members of said Commission shall be elected at a special election to be held for that purpose to serve until the next biennial election of town officials and until their successors in office shall have been elected and qualified.

(b) As authorized by Conn. Gen. Stat. Ch. 124, § 8-1(b), three electors of the town shall be elected as alternate members of the Planning and Zoning Commission of the town with the powers and duties when seated, as set forth in the General Statutes or any special act or ordinance. At the expiration of terms of said alternate members, all elected alternate members shall be elected at the regular town elections and serve six-year terms expiring on the dates of subsequent regular town elections.

(4) Any vacancy resulting for any reason shall be filled for the unexpired term by the Commission as provided in Conn. Gen. Stat. § 8-19.

(5) This division (A) became effective upon two successive publications in a newspaper having circulation with the town (2-16-1979).

(B) (1) A Zoning Board of Appeals is hereby established and shall consist of five regular members and three alternate members, also referred to as "the panel of alternates", all of whom shall be electors of the town and shall not be members of the Zoning Commission and shall be elected as hereinafter provided.

(a) *Regular members.* Five regular members of said Board shall be elected at a special election duly warned for the purpose as follows. Members to be elected to serve for terms of six years at regular town elections; provided that, each regular member so elected shall continue to serve until his or her successors in office shall have been elected and qualified.

(b) *Alternate members ("the panel of alternates").* At the special election noted in division (B)(1)(a) above, three alternate members of said Board shall be elected. Each alternate member so elected shall continue to serve until his or her successor in office shall have been elected and qualified.

(2) Said regular members and said alternate members shall be elected at regular town elections duly warned for that purpose and in conformity with the provisions of Conn. Gen. Stat. § 8-5 and subject to the provisions of Conn. Gen. Stat. § 9-167a in respect to minority representation, and shall have and exercise all the powers and duties conferred upon such regular members and alternate members by said Conn. Gen. Stat. Ch. 124 and any and all other provision of the law.

(3) Any vacancy in the office of any regular member or alternate member shall be filled by election for the unexpired term at a town meeting duly warned for that purpose.

(4) Any regular or alternate member of said Board of Appeals may be removed therefrom by the Board when, in the opinion of said Board, after due notice and public hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of this office. See Conn. Gen. Stat. § 8-5.

(5) This division (B) took effect upon two successive publications in a newspaper having circulation within the town (11-30-1974).

(Ord. passed - -; Ord. passed 11-25-1974; Ord. passed 12-13-1978; Ord. passed 1-29-1979)

§ 30.27 SANDY BEACH COMMISSION.

(A) The town hereby established jointly with the Town of Litchfield the Sandy Beach Commission consisting of six members, three from each town to be appointed by the respective Boards of Selectmen of said town. Said Commission shall have the power to operate, conduct and maintain the premises known as "Sandy Beach", as a recreational facility in accordance with a lease or leases between said

towns and the White Memorial Foundation, Inc. for the same term or terms as said lease or leases including, but without limitation, the power to establish rules, regulations and fees for the use of said Sandy Beach.

(B) (1) Said Commission shall consist of ten members (i.e., five from each town to be appointed by their respective Boards of Selectmen) as follows.

(a) Those present members of the Sandy Beach Commission for the town appointed under the terms of the original ordinance passed at town meeting of 2-7-1972 shall continue to serve for the remainder of their terms or until their successors are duly appointed and qualified.

(b) The Commission shall be comprised of ten members. The Board of Selectmen shall appoint members for three-year terms; provided, however, that, each member of the Commission shall continue to serve until his or her successor is duly appointed and qualified.

(c) Any vacancy in the Sandy Beach Commission shall be filled by the Board of Selectmen.

(2) This division (B) took effect 15 days after publication in a newspaper having a circulation in the Towns of Litchfield and Morris (9-6-1991).

(C) Said Commission shall have the power to receive, hold and expend funds given, appropriated to it, received from the operation of Sandy Beach, or otherwise, and to receive, hold and transfer real estate or personal property or interests in either.

(D) Said Commission shall annually prepare a budget and properly submit the same to the respective Boards of Finance for both towns for inclusion in the annual budget of each and shall annually submit a report of its activities and income and expenditures to the respective Board of Selectmen of each town on or before October 15 of each year.

(E) This section became fully effective as provided by law 15 days after publication in some newspaper having circulations in the town (3-3-1972).
(Ord. passed 2-7-1972; Ord. passed 8-20-1991)

§ 30.28 SENIOR CENTER COMMISSION.

(A) The town, acting pursuant to Conn. Gen. Stat. § 7-148(c)(6), (revision to 1991), hereby establishes the town's Senior Center Commission for the purpose of supervising the use, operation and maintenance of the Morris Senior Center located at 109 East Street, Building 21, Rt. 109, Morris, Connecticut.

(B) The Commission shall consist of six members, at least one of whom shall be a resident of the town's elderly housing project, appointed by the Board of Selectmen. All members shall serve for terms of three years or until their successors are appointed and duly qualified.

(C) The Board of Selectmen shall fill any vacancy occurring in any term of any member.

(D) The provisions of Conn. Gen. Stat. § 9-167a, (revision to 1991), concerning minority representation, shall apply to such appointments.

(E) Upon advice of the Senior Center Commission, the Board of Selectmen may remove any member for cause, including failure to regularly attend the meetings of the Commission.

(F) The members of the Commission shall serve without compensation, but may be reimbursed for expenses reasonably incurred in the performance of their duties.

(G) The Commission shall, at its initial meeting and thereafter, at its annual organizational meeting, choose from its members a Chairperson and a Secretary, who shall serve for the ensuing year and who shall be entitled to participate and vote as all other members of the Commission. Three members present and voting shall constitute a quorum of the Commission.

(H) In addition to supervising the use, operation and maintenance of the Morris Senior Center, the Commission shall annually recommend a budget of income and expenditure for the operation of the Senior Center to the Board of Selectmen for the ensuing year; however, the Commission's authority in all fiscal matters shall only be advisory to the Board of Selectmen.

(I) This section became effective 4-7-1992.
(Ord. passed 3-10-1992)

§ 30.29 SEWER AUTHORITY; SEWER COMMISSION.

In accordance with Conn. Gen. Stat. § 7-246, (revision of 1958), the town hereby creates a commission and designates same as the Sewer Authority for said town.

(A) The said Sewer Commission shall consist of five members who shall be electors of the town.

(B) (1) The said Sewer Commission shall consist of five members and two alternate members who shall be electors of the town. Unless otherwise provided, the term *MEMBER*, when used in this section, shall be deemed to include alternate members.

(2) Said five members and two alternate members shall be initially chosen at a special town meeting called for that purpose.

(3) All original terms shall commence as the effective date of this section. All members, other than the original members, shall be elected at the annual town meeting preceding the expiration of the original terms of three years.

(4) This division (B) became effective 9-6-1987.

(C) The members of said Commission shall so serve without compensation.

(D) The Sewer Commission of the town shall have all rights and powers conferred upon it by Conn. Gen. Stat. § 7-247. The members of the Sewer Commission shall elect a Chairperson and a Secretary from its members and shall adopt rules for the transaction of business. The Secretary shall keep a public record of its activities and be custodian of its books, papers and documents.

(E) This section became effective on its passage (1-10-1978).
(Ord. passed 1-10-1978; Ord. passed 8-18-1987)

§ 30.30 TRAFFIC AUTHORITY.

(A) The Board of Selectmen is hereby designated as the municipal traffic authority of the town, pursuant to Conn. Gen. Stat. § 14-297, and it shall possess all the powers and duties of a municipal traffic authority provided in Conn. Gen. Stat. Ch. 249, as may from time to time be amended.

(B) The municipal traffic authority of the town shall be known as the "Morris Traffic Authority" or "MTA".

(C) Any traffic-control actions previously taken by the Board of Selectmen or traffic-control devices previously erected within the town per order of Selectmen, pursuant to state statute or municipal ordinance, shall henceforth be under the jurisdiction of the town's Traffic Authority.

(D) This section took effect 15 days after publication in a newspaper having circulation in the town (11-4-1988).
(Ord. passed 9-29-1988)

CHAPTER 31: FINANCE AND REVENUE; TAXATION

Section

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GENERAL PROVISIONS

§ 31.01 ANNUAL REPORT.

- (A) (1) The annual report should be available at the Town Clerk's office not later than November 1.
- (2) This division (A) became effective 12-27-1965.

(B) (1) The town waives the requirements for publishing the annual financial report in a local newspaper in accordance with the provisions stipulated in Conn. Gen. Stat. § 7-344. Appropriations, laying of tax of the General Statutes as provided in the above statute, the Finance Board will provide printed, mimeographed or other approved duplications which will be made available to interested citizens of the town.

(2) This division (B) became effective 3-11-1963.
(Ord. passed - -)

§ 31.02 DECLARATION OF PROPERTY.

(A) The Board of Selectmen adopt the provisions of Conn. Gen. Stat. § 12-41 concerning the elimination of annual listing of real estate by persons liable to give in a list and pay taxes to the town, and to approve the request of the Board of Assessors to the state's Tax Commission, if and when made, to compile the abstract of real estate from data contained on owners' cards, all subject to approval by the state's Tax Commissioner.

(B) The Board of Selectmen does hereby authorize the Assessors of the town, subject to the approval of the state's Tax Commissioner, to compile the abstract of real estate from data contained on the owners' cards.

(C) The section became effective both 5-16-1972 and 11-15-1998.
(Ord. passed - -; Ord. passed 10-28-1998)

§ 31.03 TAX COLLECTOR; PROPERTY, MOTOR VEHICLE TAX.

(A) No building permit shall be issued with respect to any property for which property taxes or sewer charges or assessments are delinquent. Prior to the issuance of any building permit, the Building Official shall obtain written confirmation from the Tax Collector that there are no outstanding delinquent property taxes or sewer charges or assessments with respect to the subject property.

(B) The Tax Collector is hereby authorized pursuant to Conn. Gen. Stat. § 12-129 to retain tax payments in excess of the amount due provided the amount of the excess payment is less than \$5.

(C) Any property tax due in an amount of \$100 or less shall be due and payable in a single payment.

(D) Any property tax due on any motor vehicle shall be due and payable in a single payment.

(E) Commencing 1-1-2005, the Tax Collector is hereby authorized to waive any property tax due in the amount of \$5 or less.

(F) This section became effective 15 days after its publication in a newspaper having circulation in the town (12-1-2004).

(Ord. passed 11-10-2004)

§ 31.04 AUTHORIZATION TO SELL PROPERTY.

(A) The Selectmen may, by majority vote, sell items of personal property, owned by the town free of any trust or restriction; provided that, the value of any item, at the time of sale, shall not exceed \$25,000.

(B) The Selectmen shall, at least 14 days prior to such sale, advertise the time, place and terms of sale, together with a description of the items offered, in a newspaper having a general circulation in the town.

(C) No item of historical value to the town shall be sold without prior written notice to the town's Historical Society.

(D) The Town Treasurer shall receive the proceeds from any sale of town property and deposit such monies in the General Fund, reporting such proceeds as revenue to the town in the annual report. The Selectmen shall issue a receipt to each purchaser and shall maintain a record of each item sold, the name and address of the purchasers and the amount paid.

(E) This section took effect 15 days after its publication in a newspaper having general circulation in the town (both 5-11-1985 and 5-25-2005).

(Ord. passed 4-22-1986; Ord. passed 5-4-2005)

§ 31.05 SOLAR ENERGY GENERATING SYSTEMS; TAX EXEMPTION.

(A) (1) The town hereby authorizes the property tax exemption for solar energy generating systems, in accordance with Conn. Gen. Stat. § 12-81(57)(a), (b) and (c).

(2) This division (A) became effective 30 days after date of publication (12-3-1981).

(B) (1) The town hereby authorizes the property tax exemption for passive solar energy systems, in accordance with Conn. Gen. Stat. § 12-81(62)(a), (b) and (c).

(2) This division (B) became effective 30 days after date of publication (12-3-1981).

(C) (1) The town hereby authorizes the property tax exemption for solar energy heating and cooling systems, in accordance with Conn. Gen. Stat. § 12-81(56)(a), (b) and (c).

(2) This division (C) became effective 30 days after date of publication (5-23-1977).
(Ord. passed - -; Ord. passed 10-28-1981; Ord. passed 11-3-1981)

§ 31.06 TAX COLLECTOR; ASSISTANT TAX COLLECTOR.

(A) *Appointment.* Commencing on the effective date of this section, and thereafter, the Board of Selectmen shall appoint the Tax Collector in lieu of election of the Tax Collector at the municipal election.

(B) *Term.* The term of the Tax Collector initially appointed shall expire on November 19, 2019. Thereafter, the Tax Collector shall serve for a term of four years commencing on the second Tuesday following the November municipal election and ending on the second Tuesday of November following the municipal election every four years thereafter, and until a successor is appointed and has qualified.

(C) *Qualifications.* The Tax Collector need not be an elector of the Town of Morris but shall not concurrently hold any incompatible municipal office as defined by Conn. Gen. Stat. § 9-210. The Board of Selectmen may prescribe additional qualifications required for the office.

(D) *Assistant Tax Collector.* The Tax Collector may, within the limit of available appropriations, appoint an Assistant Tax Collector, who need not be an elector of the town, shall be approved by the Board of Selectmen, and shall serve for a term of four years to run concurrently with that of the Tax Collector, and until a successor is appointed and has qualified.

(E) *Vacancies.* Any vacancy in the office of Tax Collector shall be filled by appointment of the Board of Selectmen for the remainder of the term. Any vacancy in the office of Assistant Tax Collector shall be filled by appointment of the Tax Collector with the approval of the Board of Selectmen for the remainder of the term.

(F) *Bond.* The Board of Selectmen shall require of the Tax Collector and the Assistant Tax Collector sufficient bond, with surety, conditioned for the faithful discharge of their official duties as required by Con. Gen. Stats. §§ 12-136 and 12-137.

(G) *Removal.* The Board of Selectmen may remove the Tax Collector or the Assistant Tax Collector from office for just cause, after written notice and a hearing before the Board at which the Tax Collector or the Assistant Tax Collector shall have the right to be represented by legal counsel. The failure to reappoint the Tax Collector or the Assistant Tax Collector on expiration of the term of office shall not be considered to be removal from office.

(H) *Validation.* The adoption of this section shall not in any way affect the term of office of the incumbent Tax Collector or any Assistant Tax Collector or the validity of any act performed or action taken by them. Any defect in the appointment of any subsequent Tax Collector or Assistant Tax Collector under this section shall not affect the validity of any act performed or action taken by them.
(Ord. passed 6-28-2018)

§ 31.07 TAX EXEMPTION FOR LOW INCOME VETERANS.

(A) *Authorization.* This section is adopted pursuant to Conn. Gen. Stat. § 12-81f, as amended by Public Act 16-191.

(B) *Intent.* It is the intent of this section to provide an additional property tax exemption for low income veterans and their surviving spouses, who reside and own property in the town.

(C) *Tax exemption.* Any veteran who is entitled to an exemption from property tax in accordance with Conn. Gen. Stat. § 12-81(19) shall be entitled to an additional exemption of \$20,000, provided such veteran's qualifying income or such surviving spouse's qualifying income does not exceed the maximum amount of qualifying income allowed under Conn. Gen. Stat. § 12-811 by more than \$25,000. The exemption provided by this section shall be applied to the assessed value of an eligible veteran's or eligible surviving spouse's property as determined by the Assessor on the last completed grand list.

(D) *Application for exemption.* An eligible veteran or eligible surviving spouse submitting a claim for such additional exemption shall be required to file an application on a form prepared for such purpose by the Assessor not later than the assessment date with respect to which such additional exemption is claimed as provided by Conn. Gen. Stat. § 12-81f(d).

(E) *Disqualification.* Any person who has submitted an application and been approved in any year for the additional exemption under this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year presumed to be qualified, under this section, if any such person has qualifying income in excess of the maximum allowed, in any calendar year subsequent to qualifying for the exemption, such person shall notify the Assessor on or before the next filing date for such and for any subsequent year, until such person has re-applied and again qualified for such exemption. Any person who fails to notify the Assessor of such disqualification shall make payment to the town in the amount of the property tax exemption received for the year during which such person was ineligible for the exemption.

(Ord. passed 5-24-2017)

VOLUNTEER FIRE AND AMBULANCE PERSONNEL TAX ABATEMENT**§ 31.20 PURPOSE.**

In recognition of the benefits provided to the town by the dedicated service of the town's volunteer fire and ambulance personnel, the town hereby establishes a tax abatement program pursuant to Public Act 00-120, § 10, for Volunteer Fire and Ambulance personnel on the conditions outlined below.

(Ord. passed 1-30-2001)

§ 31.21 ELIGIBILITY.

Each member of the town's Volunteer Fire Department who owes property tax to the town shall be eligible who meets the following criteria:

(A) Serves as a firefighter, emergency medical technician, paramedic or ambulance driver;

(B) Is classified as an active member per the Department's by-laws; and

(C) Meets the training and attendance requirements as set by the Department's executive committee for the calendar year prior to the tax period.

(Ord. passed 1-30-2001)

§ 31.22 CERTIFICATION.

Annually on or before March 1 of each year, the executive committee of the town's Volunteer Fire Department shall submit to the First Selectman a sworn list of the members of the Department who are eligible, as defined in § 31.21 of this chapter.

(Ord. passed 1-30-2001)

§ 31.23 ABATEMENT SCHEDULE.

Abatement of property taxes shall be granted the following July 1 to each eligible member in an amount equal to the maximum allowable under state law, which shall be applied first to real property and second to personal property and motor vehicles.

(Ord. passed 1-30-2001)

§ 31.24 EFFECTIVE DATE.

This subchapter took effect 15 days after publication (2-15-2001) and became applicable to taxes due on the list of 10-1-2000, and thereafter.

(Ord. passed 1-30-2001)

MOTOR VEHICLE TAXES**§ 31.35 DISABLED PERSONS, PARENTS OF DISABLED CHILDREN EXEMPT.**

(A) *Purpose.* Pursuant to the authority granted to municipalities by Conn. Gen. Stat. § 12-81c, the town hereby enacts an ordinance to exempt from personal property taxation any specially-equipped motor vehicle owned by a person with disabilities or owned by the parent or guardian of a person with disabilities.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. A vehicle as defined by Conn. Gen. Stat. § 14-1(53).

PERSON WITH DISABILITIES. Any owner of a motor vehicle who has a physical impairment, or any owner of a motor vehicle whose child or ward has a physical impairment, and whose physical impairment requires the special adaptive equipment referenced in the definition of "specially-equipped motor vehicle" in order to adapt the use of such vehicle to the physical impairment of the owner or to the physical impairment of the owner's child or ward. Persons with physical impairments of a limited duration shall not be considered as **PERSONS WITH DISABILITIES**.

SPECIALLY-EQUIPPED MOTOR VEHICLE. A motor vehicle which has undergone a permanent modification to its frame or other structural member by the bolting or welding of special equipment for the purpose of adapting its use to the physical impairment of the owner of such motor vehicle or to the physical impairment of the owner's child or ward. Such equipment shall include raised roofs with roll-bar systems, raised doors, special control stations, dropped floors, kneeling systems, wheelchair lift, ramp, hand controls, cart lift and any other device or mechanism necessary to permit its operation by the owner of such motor vehicle or to permit its accommodation for the owner's child or ward.

(C) *Exemption.* Any, which shall include more than one, specially-equipped motor vehicle shall be exempt from personal property taxation.

(D) *Medical documentation and expiration of exemption.* The Assessor shall require written and signed documentation verifying that the installation of the special equipment is directly related to the physical impairment of the person with disabilities in order to adapt the operation or the accommodation of the specially-equipped motor vehicle to such person. A physician licensed to practice medicine in the state shall provide such documentation. Any such exemption shall expire when the vehicle is sold.

(E) *Applications.* Applications to establish eligibility for the exemption permitted by this section shall be filed annually with the Assessor not later than December 31 following the assessment date with respect to which such exemption is claimed. For motor vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is claimed, said application shall be filed not later than 60 days after such purchase. Applications for exemption relative to the assessment year, which commences on 10-1-2002, may be made any time prior to the expiration of such assessment year.

(F) *Assessment year.* This section shall be first applicable to the assessment year which commences on 10-1-2002.

(G) *Effective date.* This section shall become effective 15 days after its publication in a newspaper having circulation of the town (4-9-2002).
(Ord. passed 3-21-2002)

§ 31.36 DELINQUENT MOTOR VEHICLE TAX; COLLECTION.

(A) The Tax Collector shall not issue a receipt or other evidence of payment as provided in Conn. Gen. Stat. § 14-33(a), as amended, for any delinquent property taxes applicable with respect to a motor vehicle or snowmobile assessed in the town unless payment for said delinquent taxes is made in cash or by certified check or money order.

(B) The Tax Collector shall impose and collect a fee as set by the town from time to time for each unpaid motor vehicle tax bill that is reported to the Commissioner of Motor Vehicles. Each unpaid motor vehicle tax bill reported to the Commissioner of Motor Vehicles pursuant to Conn. Gen. Stat. § 14-33 shall be subject to a fee as set by the town from time to time to be imposed and collected by the Tax Collector.

(C) This section became effective 15 days after its publication in a newspaper having circulation in the town (1-15-2004, 12-1-2004 and 4-14-2008).
(Ord. passed 12-29-2003; Ord. passed 11-10-2004; Ord. passed 3-27-2008)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

CHAPTER 50: SOLID WASTE

Section

Morris Transfer Station and Recycling Center

50.01 Rules and regulations

Solid Waste Facility; Recycling

- 50.15 Statement of purpose
- 50.16 Definitions
- 50.17 Refuse disposal site
- 50.18 Fee authorization
- 50.19 Source separation and recycling
- 50.20 Registration of refuse collectors
- 50.21 Permit revocation
- 50.22 Collection
- 50.23 Residential permits
- 50.24 Refuse collections
- 50.25 Severability
- 50.26 Inspection
- 50.27 Violations
- 50.28 Effective date

- 50.99 Penalty

MORRIS TRANSFER STATION AND RECYCLING CENTER

§ 50.01 RULES AND REGULATIONS.

Rules, regulations, fees and permit information shall be sent to each customer of the Morris Transfer Station and Recycling Center.

SOLID WASTE FACILITY; RECYCLING**§ 50.15 STATEMENT OF PURPOSE.**

This subchapter is adopted by the town as part of a comprehensive program to:

(A) Provide for the safe and sanitary disposal of solid waste generated within the town;

(B) To ensure compliance by the town's residents and solid waste collectors with the requirements of Conn. Gen. Stat. Ch. 446d, providing for the separation, collection, processing and marketing of recyclable solid waste; and

(C) To authorize the Board of Selectmen to establish, and revise as necessary, fees for the use of the municipal solid waste facility, including, but not limited to, the depositing of solid waste, bulky waste, demolition waste and recycling material.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APARTMENT COMPLEX. A multi-family structure of four or more dwelling units grouped into one or more buildings.

COMMERCIAL ESTABLISHMENT. Any enterprise engaged in a non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONDOMINIUM COMPLEX. Any group of dwelling units, which are covered by Conn. Gen. Stat. Ch. 825, as amended.

FIRST SELECTMAN. The First Selectman of the town or his or her duly appointed designee.

INDUSTRIAL ESTABLISHMENT. Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.

INSTITUTIONAL ESTABLISHMENT. Any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, group homes, schools and universities.

RECYCLABLE MATERIALS. Those items designated by the Board of Selectmen for segregation from the municipal solid waste stream which shall include, but not be limited to, cardboard, glass, food and beverage containers, leaves, metal food containers, office papers, newspapers, storage batteries, waste oil and scrap metal.

RECYCLING. The processing of solid waste to reclaim material there from.

RESIDENTIAL ESTABLISHMENT. Any premises used primarily as a domestic dwelling, including, but not limited to, single- and multiple-family homes, apartments and condominiums.

SOLID WASTE. Unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator or material processed at a recycling facility.

SOLID WASTE FACILITY. Any solid waste disposal area, volume reduction plant or transfer station.

TOWN. The Town of Morris.
(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.17 REFUSE DISPOSAL SITE.

(A) (1) The town's refuse disposal site/transfer station/bulky waste site, located at 254 Lakeside Road, Morris, Connecticut, hereinafter referred to as the "town refuse disposal site", shall be for town residents and taxpayers only, and only for refuse generated in the town.

(2) No other municipality or any regional program shall be allowed, unless the people of the community vote to allow such a program at a town meeting.

(B) All vehicles entering the town refuse disposal site shall display a sticker or authorization pass furnished by the town.

(1) A distinctive sticker (color to be determined from time to time by the Board of Selectmen) will be issued to all authorized users of the town refuse disposal site, a listing of which will be kept in the Town Clerk's office.

(2) Registered refuse collectors in accordance with § 50.20 of this chapter shall have their permit conspicuously displayed on the left front of the body of the vehicle or dumpster licensed.

(C) Wood and brush, excluding tree stumps or logs, shall be deposited in the area indicated by town signs.

(D) Appliances that may contain Freon (including, but not limited to, refrigerators, freezers and air conditioners) shall be deposited in the area so indicated by town signs.

(E) Stoves, dryers and other metal items, excluding motor vehicles, shall be deposited in the roll-off container marked "metal only".

(F) Bulky waste and demolition waste shall be deposited as directed by the assigned custodian. No more than the amount that may be contained in a one-ton pickup truck may be deposited by a household on any one day.

(G) Materials required to be recycled will be deposited in the proper container.

(H) No person shall deposit any substance injurious to health, nor shall any person deposit the cleaning from any cesspool, cistern or septic tank or any other hazardous material.

(I) Entrance to the town refuse disposal site will be only through the main gate located on Lakeside Road.

(J) All persons using the town refuse disposal site shall comply with the directions of the assigned custodians.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003) Penalty, see § 50.99

§ 50.18 FEE AUTHORIZATION.

The Board of Selectmen is hereby authorized to establish, and revise as necessary, fees for the use of the town refuse disposal site, including, but not limited to, the depositing of solid waste, bulky waste, demolition waste and recycling material. Said fees shall be effective only after publication of notice, a public hearing no sooner than five days thereafter and publication of the fee schedule in a newspaper having a general circulation in the town. Said fees shall be reasonable, based upon the town's cost of operations, and used to defray the cost of operation of the town refuse disposal site.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.19 SOURCE SEPARATION AND RECYCLING.

(A) Each person, business or institution that generates solid waste shall separate from other solid waste, designated recyclable materials, as defined above, and by such rules as may be adopted by the Board of Selectmen.

(1) All persons, businesses or institutions who/which generate solid waste with the town are required to separate recyclable material from solid waste.

(2) Solid waste placed for collection, which contains recyclable materials, shall neither be collected by refuse collectors, nor accepted for disposal at any refuse processing facility.

(3) For premises serviced by private refuse collection, recyclable materials shall be separated from refuse and placed for collection in a separate container on the designated day.

(4) Apartment and condominium complexes as well commercial, industrial and institutional establishments shall provide, or require, their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.

(B) Registered haulers and residents who have received residential permits in accordance with § 50.23 of this chapter shall deposit recyclables at the town refuse disposal site in the following manner.

(1) Clean, unsoiled newspapers, magazines and white paper may be packed in paper grocery or shopping bags or deposited untied in the indicated container and shall not be co-mingled with other recyclables or solid waste.

(2) Clean regular corrugated cardboard shall be deposited in the indicated container. ("Shiny" cardboard is not recyclable.)

(3) Leaves, waste oil, storage batteries, used anti-freeze and any other recyclables designated by the Board of Selectmen shall be separated from solid waste and other recyclables and deposited as the assigned custodian directs.

(C) Except as otherwise provide in § 50.23 of this chapter, businesses shall use a town-registered hauler to collect said designated materials for recycling or shall be required to deliver designated materials as defined by the Board of Selectmen to any town drop off center.

(1) It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes to provide, at their own expense, for the storage, collection and transportation of recyclables. All recyclables generated by such establishments and complexes shall be separated from other solid waste and segregated by category of recyclable as provided in division (B) above. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.

(2) Persons or establishments whose solid waste is not collected by contractors are responsible for the compliance with recycling provisions of Conn. Gen. Stat. § 22a-241b, as amended. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the First Selectman's office for appropriate action.

(3) The quantities and destination of these designated recyclables (non-residential) not delivered to a municipal designated facility or drop-off shall be reported by the contractor or responsible parties to the town on a monthly basis as prescribed by the Board of Selectmen.

(4) It shall be a violation of this subchapter for any person other than a municipally-registered hauler or municipal employee to collect, pickup or cause to be collected or picked up, such materials from the curb or other designated point of collection or municipal drop-off center. Each unauthorized collection in violation hereof shall constitute a separate and distinct offense. This division (C)(4) shall not apply to any non-profit, charitable organization who sponsor a municipal recycling collection (e.g., newspapers) with prior approval of the Board of Selectmen.

(D) All private refuse collectors servicing customers within the town shall provide their customers, at reasonable cost or security deposit, a sufficient number of containers for their customers' recyclables. The containers shall be durable, securable and of adequate capacity. They shall be labeled with the names and addresses of the customer and collector and the type of recyclable to be contained. The containers shall be maintained, handled and used in a safe, secure and sanitary manner. The theft or misappropriation of collector's or customer's recyclable containers shall constitute a violation, punishable under §§ 50.27 and 50.99 of this chapter.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003) Penalty, see § 50.99

§ 50.20 REGISTRATION OF REFUSE COLLECTORS.

(A) Any hauler providing solid waste collection is hereby required to register with the First Selectman's office on or before April 15 of each year, and apply for a permit to haul solid waste or to collect recyclables.

(B) Any hauler will be required to provide recycling collection to any customers receiving solid waste collection and is further required to register with the First Selectman's office as is prescribed by Conn. Gen. Stat. § 22a-241b, as amended. The Board of Selectmen shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste and recyclable materials within the town. It shall administer the issuance and revocation or suspension of permits and registrations as set forth in this subchapter.

(C) Additional rules may be adopted by the Board of Selectmen, from time to time, consistent with the provisions of this subchapter.

(D) Following the filing of a proper application and payment of the prescribed fee, the First Selectman shall grant such license(s) as hereinafter set forth for refuse collectors, vehicles and dumpsters within a reasonable time unless he or she finds one or more of the following conditions to exist:

(1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspensions of license or violations of state statutes or municipal ordinances, whether of the town or any other municipality; or

(2) The applicant lacks suitable equipment, personnel or liability insurance with which to collect solid waste in a safe, nuisance-free manner in compliance with this subchapter.

(E) Each permitted refuse collector shall obtain a separate registration for each vehicle he operates within the town. Registration shall not be transferable from vehicle to vehicle.

(F) All permits shall be issued for a period not to exceed one year and shall be renewable on or before April 15 of each year. The permit fee shall be as set by the town from time to time, per vehicle.

(G) The permit issued shall be conspicuously displayed on the left front of the body of the vehicle or dumpster licensed, or as may otherwise be directed by the licensing authority.

(H) Each permittee shall display at all times on the doors of each vehicle his or her name and a local phone number.

(I) Permits are not transferable. When any permittee shall sell or transfer all or part of his or her route to any other refuse collector, he or she shall first notify the First Selectman in writing of his or her intent to sell, and the transferee shall, simultaneously, make application for the appropriate permits to operate in town.

(J) As a prerequisite to the issuance of renewal of any permit, a refuse collector must, along with this permit/renewal application, furnish the First Selectman the number of customers within the town that such refuse collector intends to services as well as the names of other municipalities serviced.

(K) Applicant must maintain public liability operations and motor vehicle insurance on each vehicle in an amount as set by the town from time to time, combined single limit.
(Ord. passed 10-25-2000; Ord. passed 5-14-2003) Penalty, see § 50.99

§ 50.21 PERMIT REVOCATION.

(A) A permit to engage in refuse collection and to use any waste disposal and/or processing facilities provided by the town is a privilege, not a right. Failure to comply with the provisions of this subchapter shall be grounds for revocation or suspension by the First Selectman of any permit or registrations issued hereunder, in addition to any other penalty imposed by law.

(B) Revocations or suspension shall only become effective five days after receipt of written notice from the First Selectman.

(C) If a refuse collector objects to the First Selectman's action described in this subchapter to revoke or suspend his or her permit or registration, he or she may, within five days of receipt of notice, file a written request with the Town Clerk for review by the Board of Selectmen. Failure to file such request in a timely manner shall render the First Selectman's action final and binding upon the refuse collector.

(D) Timely filing of such request for review shall operate as an automatic stay of the Selectman's action.

(E) The Board of Selectmen shall act as an appeals board, and said Board shall, within 15 days hear and decide the matter. The decision of such Board shall be final and binding upon the collector.
(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.22 COLLECTION.

It shall be a violation of this subchapter for any person other than a town-registered refuse collector to pickup, collect or interfere with the picking up or collecting of recyclable materials placed for collection at the curbside or designated recycling center. Each act of scavenging shall constitute a separate violation of this subchapter. All items, which are designated for collection as stated in this subchapter, shall be set out for collection no earlier than 6:00 p.m. on the evening prior to the scheduled collection day. Emptied containers shall be removed from the curbside no later than 8:00 p.m. on the day of collection.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003) Penalty, see § 50.99

§ 50.23 RESIDENTIAL PERMITS.

(A) Residents of the town who wish to dispose directly of their own solid waste and recyclables at the town-designated recycling center must apply to the Town Clerk's office for a sticker to be able to dispose of refuse or recyclable materials at municipal facilities.

(B) The sticker shall be displayed in such a manner as the First Selectman may prescribe.

(C) Such permit may be revoked or suspended as set forth in this subchapter and appeals therefrom may be taken in the manner set forth in this subchapter.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.24 REFUSE COLLECTIONS.

(A) Each refuse collector shall deliver all refuse collected within the territorial limits of the town at such place or places as the Board of Selectmen may from time to time designate and may not commingle such refuse with refuse collected in other towns without the prior consent of the Board of Selectmen.

(B) Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this subchapter.

(C) All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse.

(D) Refuse collectors shall furnish to his or her customers upon request a list of rates for the various services provided.

(E) Each refuse collector shall keep and maintain records of the quantity, type of recyclable waste, date of delivery and location of disposed site. These reports shall be filed with the First Selectmen's office on such schedule as the Board of Selectmen may decide.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003) Penalty, see § 50.99

§ 50.25 SEVERABILITY.

In the event any provisions, sections, sentence, clause or part of this subchapter shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this subchapter, it being the intent that such remainder shall remain in full force and effect. Sections and captions contained herein are intended only for the purpose of convenient reference and do not convey the legislative intent of the town.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.26 INSPECTION.

The town reserves the right to inspect solid waste placed at curbside or delivered to the municipal drop off center to determine compliance with this subchapter.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.27 VIOLATIONS.

The town also requires registered collectors or haulers to report any violations to this subchapter to the First Selectman.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.28 EFFECTIVE DATE.

This subchapter became effective both 2-16-2001 and 5-31-2003.

(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, business or institution who violates or neglects to comply with §§ 50.15 through 50.28 of this chapter or any rules adopted pursuant hereto shall, upon conviction hereof, be punishable by a fine not to exceed \$100; except that, the maximum fine for failure to comply with §§ 50.20, 50.21 and 50.22 of this chapter shall not exceed \$100 for each violation.
(Ord. passed 10-25-2000; Ord. passed 5-14-2003)

TITLE VII: TRAFFIC CODE

Chapter

70. MOTOR VEHICLE REGULATIONS

71. PARKING SCHEDULES

CHAPTER 70: MOTOR VEHICLE REGULATIONS

Section

- 70.01 Driving on frozen water surfaces
- 70.02 Snow removal
- 70.03 Beach parking policy

- 70.99 Penalty

§ 70.01 DRIVING ON FROZEN WATER SURFACES.

(A) No person shall cause any motor-driven wheeled vehicle or tractor to be brought or to remain upon the frozen surface of any public body of water or part thereof lying within the territorial limits of the town, and no person shall allow any such vehicle or tractor owned by him or her to be brought or to remain upon the frozen surface of any public body of water or part thereof, lying within the territorial limits of the town.

(B) The Board of Selectmen of the town may, in its discretion, for a proper purpose waive the provisions of this section in individual instances, in writing, conditioned that the town shall not be liable for any damage or injury which may occur to any person or property because of any motor-driven wheeled vehicle or tractor being brought upon or remaining upon the frozen surface of the public body of water or part thereof lying within the territorial limits of the town.

(C) This section became effective 1-15-1957.
(Ord. passed - -) Penalty, see § 70.99

§ 70.02 SNOW REMOVAL.

(A) Motor vehicles shall not be parked on town roads so as to obstruct snow removal operations from November 1 to April 1. Cars obstructing the clearing of snow will be towed away at the owner's expense.

(B) This section became effective 30 days from enactment (1-7-1972).
(Ord. passed - -) Penalty, see § 70.99

§ 70.03 BEACH PARKING POLICY.

(A) Visitors to the town beach must obtain a parking permit before being permitted to park their vehicles at the town beach and recreational facilities.

(B) One-day parking permits are available for residents for a fee of \$10 per vehicle and for non-residents for a fee of \$20 per vehicle.

(C) Season parking permits are available for residents for \$30 and for non-residents, \$60.

(D) Residents over the age of 65 are eligible for one season parking permit free of charge. An additional season parking permit for a resident over the age of 65 is \$15.

(E) For this purpose, season is defined as Memorial Day through Labor Day.

(F) One day parking permits and season parking permits may be purchased from the Town Clerk during regular business hours.

(G) Gate entry will be monitored and parking permits verified by staff hired by the Beach and Recreation Commission.

(H) The hours of gate monitoring will be set by the Beach and Recreation Commission and will include, at minimum, weekend day coverage and major holiday coverage. Additional hours may be added at the discretion of the Commission.

(I) Any person violating any of the above rules is subject to a fine of \$50.

(J) All previous recreational facility rules and regulations apply.

(K) No trailer parking, no overnight parking and no camping.
(Ord. passed 2-20-2019)

§ 70.99 PENALTY.

(A) Any person violating any provision of this traffic code for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who shall violate the provisions of § 70.01 of this chapter shall be fined not more than \$100.
(Ord. passed - -)

CHAPTER 71: PARKING SCHEDULES

Schedule

I. Restricted parking

SCHEDULE I. RESTRICTED PARKING.

<i>Road/Street</i>	<i>Location</i>	<i>Restriction</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Effective Date</i>
East Shore Road	Commencing at the intersection of the Alain White Road and East Shore Road and going west from said intersection	No parking on the left side of the East Shore Road to a bridge culvert known as the Cattle Pass, thence shifting to the opposite side of the road continuing to SNET pole No. 1407 or approximately 509 feet from the entrance to Marsh Point	-	--	4-5-1954
		No parking on the right side of East Shore Road going west from intersection commencing near a large stone at the side of said road, stone being approximately 70 feet east of SNET pole No. 602 to within 75 feet of the entrance to Sandy Beach			
Palmer Road		No parking between the hours of 8:00 p.m. and 6:00 a.m., on both the north and south side of the road in addition to establishing a "tow away zone"	-	--	9-17-1979
Pitch Road	Commencing at the south end of a stone wall at Pitch Reservoir Dam and extending some 500 feet north to the end of stone wall	No parking at any time on either side of the road	-	--	6-3-1974

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. AUTOMATIC ALARM SYSTEMS**
- 91. RECREATION AND LEISURE**
- 92. FIRE PREVENTION AND PROTECTION**
- 93. ANIMALS**
- 94. NOISE**

CHAPTER 90: AUTOMATIC ALARM SYSTEMS

Section

- 90.01 Statement of purpose
- 90.02 Definitions
- 90.03 Requirements
- 90.04 Effective date

- 90.99 Penalty

§ 90.01 STATEMENT OF PURPOSE.

The purpose of this chapter is to provide minimum standards and regulations for the safe and accurate use of fire and medical alarm systems in the town.
(Ord. passed 5-26-1993)

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM SYSTEM. Equipment and devices arranged to signal the presence of a hazard requiring urgent attention, and to which fire and/or ambulance personnel are expected to respond. This includes all such telephone dialer alarms. This does not include smoke detectors and local alarms which do not signal outside the premises by telephone lines or radio signals or alarm systems on motor vehicles, nor does it include burglar or security alarms.

ALARM USER. Any person, firm or corporation on whose premises any alarm system is maintained within the town.

AUTOMATIC TELEPHONE DIALING DEVICE. An alarm system which automatically sends over radio waves or telephone lines by direct connection or otherwise a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

FALSE ALARM. The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence, excluding alarms caused by weather conditions or acts of God. **FALSE ALARMS** which are transmitted with a criminal, malicious or mischievous, intent are criminal violations and shall be prosecuted under the applicable provisions of the General Statutes. (Ord. passed 5-26-1993)

§ 90.03 REQUIREMENTS.

(A) Alarm systems shall be installed in accordance with the requirements of the Connecticut State Building Code and pursuant to a permit issued by the Building Official.

(B) (1) Alarm users having existing automatic telephone dialing devices shall comply with Conn. Gen. Stat. § 7-282b.

(2) Automatic direct dialing to "911" is prohibited.

(C) No person, firm or corporation shall install an automatic telephone-dialing device within the town terminating at the town's firehouse or the County Dispatch Center. It is recommended that alarm users use an answering service to notify emergency services.

(D) All alarm systems, as defined in this chapter, which sound an audible signal that may be heard outside of the protected premises shall be equipped with a device which shall limit the duration of such audible signal to not more than 30 minutes in length in accordance with R.C.S.A. § 22a-69-5.1 of the regulations of the Department of Environmental Protection.

(E) (1) A maximum of three false alarms per 12-month period shall be allowed from any alarm system.

(2) On receipt of the fourth false alarm and for each false alarm thereafter during the 12-month period, a user fee shall be assessed by the town in the amount set by the town from time to time, payable to the town.

(3) Alarms originating from any building owned by the town or Regional School District No. 6 shall be exempt from the user fee.

(Ord. passed 5-26-1993) Penalty, see § 90.99

Editor's Note:

The following addresses Intrusion Alarms from R.C.S.A. § 22a-69-5.1, which applies to this section:
No person shall cause, suffer, allow or permit the operation of any intrusion alarm which, from time of activation of audible signal, emits noise for a period of time exceeding ten minutes when attached to any vehicle or 30 minutes when attached to any building or structure.

The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

§ 90.04 EFFECTIVE DATE.

This chapter became effective 15 days after publication in a newspaper having circulation in the town (6-17-1993).
(Ord. passed 5-26-1993)

§ 90.99 PENALTY.

Any person, firm or corporation found to be in violation of this chapter shall be fined \$50 per violation in addition to any state penalties. Any person, firm or corporation who shall fail to pay a user fee, which has been assessed under § 90.03(E) of this chapter, within 30 days of the date of notice of assessment, shall be responsible for all attorney's fees, court costs and legal fees incurred by the town to enforce the collection of said fees.
(Ord. passed 5-26-1993)

CHAPTER 91: RECREATION AND LEISURE

Section

Bantam Lake

- 91.01 Waste materials in water or on frozen surface
- 91.02 Toilet facilities
- 91.03 Regattas, water shows or other special events
- 91.04 Speed limit for Nick's Cove

Morris Boat Launch

- 91.15 General regulations and restrictions for boat launch
- 91.99 Penalty

BANTAM LAKE

§ 91.01 WASTE MATERIALS IN WATER OR ON FROZEN SURFACE.

(A) It shall be unlawful for any person who shall place, drop or deposit cans, bottles, papers or other waste materials in the waters or on the frozen surface of Bantam Lake within the limits of the town.

(B) This section became effective 4-16-1957.

(Ord. passed - -) Penalty, see § 91.99

Cross-reference:

Driving on frozen water surfaces, see § 70.01

§ 91.02 TOILET FACILITIES.

The use of toilet facilities either built in or portable on any vessel on the water of Bantam Lake is prohibited.

(Ord. passed - -) Penalty, see § 91.99

§ 91.03 REGATTAS, WATER SHOWS OR OTHER SPECIAL EVENTS.

(A) The Board of Selectmen shall, upon written, request and reasonable notice meet with the sponsor or sponsors of any regatta, water show or any other special event to be held on the waters of Bantam Lake for the purpose of going over the layout program and safety measures for such regatta, water show or special event. For any of the above mentioned, permission, if granted, shall be in writing and shall include the special regulations of the Board of Selectmen which may have been adopted for said special events. It shall be the duty of the lake patrol to inspect and determine that which permission has been granted.

(B) This section became effective 11-15-1964.

(Ord. passed - -) Penalty, see § 91.99

§ 91.04 SPEED LIMIT FOR NICK'S COVE.

(A) No person shall operate a vessel at a speed in excess of slow-no-wake within the area known as Nick's Cove on the waters of Bantam Lake.

(B) For the purposes of this section, the *WATERS OF NICK'S COVE* shall be defined as the area bounded:

(1) Westerly by the west shoreline of Bantam Lake;

(2) Southerly by the Palmer Drive causeway;

(3) Easterly by the east shoreline of Deer Island; and

(4) Northerly by a line running westerly from the northernmost point of Deer Island to the west shoreline of Bantam Lake.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SLOW-NO-WAKE. A vessel shall not produce more than a minimum wake and shall not attain speeds greater than six mph over the ground unless a higher minimum speed is necessary when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons or will damage vessels or structures of any kind. (See R.C.S.A. § 15-121-B12.)

VESSEL. Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. (See Conn. Gen. Stat. § 15-127.)

(D) This section took effect upon publication and posting as provided by law (6-24-2009).

(Ord. passed 5-13-2009) Penalty, see § 91.99

MORRIS BOAT LAUNCH

§ 91.15 GENERAL REGULATIONS AND RESTRICTIONS FOR BOAT LAUNCH.

(A) Use shall be for town residents only.

(B) Any individuals, boats, trailers and vehicles that park, enter or leave the launching area do so at their own risk.

(C) Once a boat has been launched at the launching area, vehicles/trailers need to then park diagonally in the boat launch parking area. Vehicles/trailers will be towed if any are parked along East Shore Road.

(D) No boats are permitted to moor in, around or off the launching area.

(E) Use of alcohol is strictly prohibited in and around the launching area and at all recreational facilities.

(F) Littering is prohibited; remove any and all trash from launching area (i.e., carry in/carry out).

(G) This section became effective 15 days after its publication in a newspaper having circulation in the town (6-15-2012).

(Ord. passed 4-27-1984; Ord. passed 3-17-1999; Ord. passed 4-13-2010; Ord. passed 5-31-2012)
Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 91.01 of this chapter shall be fined not more than \$25.

(C) Fines for violations of all special ordinances (§§ 91.02 and 91.03 of this chapter) for Bantam Lake will be not more than \$25 for each offense.

(D) Any person violating any of § 91.15 of this chapter is subject to a fine of \$50.
(Ord. passed - -; Ord. passed 5-31-2012)

CHAPTER 92: FIRE PREVENTION AND PROTECTION

Section

General Provisions

92.01 Open burning

Fire Zone

- 92.15 Purpose
- 92.16 Definition
- 92.17 Fire Marshal; duties; establishment of zone
- 92.18 Appeal; notice
- 92.19 Parking violations
- 92.20 Effective date

- 92.99 Penalty

GENERAL PROVISIONS

§ 92.01 OPEN BURNING.

(A) No person shall burn in the open within the boundaries of the town unless he or she has first obtained a written permit from the Open Burning Official.

(B) The Open Burning Official will not issue permits on days where the state's Forest Fire Warden determines that the forest fire danger is high or extreme. Burning must be done in a safe place, and the fire must be attended at all times. The fire must be fully extinguished before it is left.

(C) The Open Burning Official or Fire Chief (or Fire Marshal, in his or her absence) may order any fire extinguished if the fire is considered to be a danger to life, limb or property.

(D) This section became effective 15 days after its publication in a newspaper having circulation in the town (4-3-1999).

(Ord. passed 3-17-1999) Penalty, see § 92.99

Statutory reference:

Similar provisions, see Conn. Gen. Stat. § 23-48

FIRE ZONE

§ 92.15 PURPOSE.

The purpose of this subchapter is to provide unobstructed passage for fire and other emergency equipment from a public highway onto and across other public or private property pursuant to the provisions of Conn. Gen. Stat. §§ 7-148(c)(4)(B) and 29-293(b).

(Ord. passed 3-21-2002)

§ 92.16 DEFINITION.

A ***FIRE ZONE*** is a designated unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public highway to all necessary areas or portions of any public or private property, excluding one- and two-family residences.

(Ord. passed 3-21-2002)

§ 92.17 FIRE MARSHAL; DUTIES; ESTABLISHMENT OF ZONE.

(A) The Fire Marshal of the town is hereby directed and authorized to establish fire zones when, in his or her judgment, they are necessary for the safety of the general public.

(B) Whenever the Fire Marshal establishes a fire zone, he or she shall file a copy of his or her order specifying the limits thereof with the First Selectman, who shall countersign approval of the same, and the Fire Marshal shall cause a copy of the order to be delivered, in person or by certified mail, to the owner or owners of any private land on which such fire one is established.

(Ord. passed 3-21-2002)

§ 92.18 APPEAL; NOTICE.

Any person aggrieved by such order may file, with the Board of Selectmen, within 15 days after the date of such order, written notice of appeal, setting forth the reasons for aggrievement. After hearing, the Board of Selectmen may affirm, modify or rescind such order.
(Ord. passed 3-21-2002)

§ 92.19 PARKING VIOLATIONS.

(A) Such fire zones shall be clearly marked: "No Parking - Fire Zone". No person shall park or permit to stand a motor vehicle in a fire zone, except when actually picking up or discharging passengers. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

(B) Whenever a motor vehicle is found to be parked in violation of this subchapter, the Fire Marshal shall issue to the owner or operator of such vehicle or place upon such vehicle a written warning of the specific violation complained of.

(C) If the Fire Marshal determines that a vehicle parked in a fire lane constitutes such a serious hazard as to be a menace to traffic, that officer may, in addition to placing a parking ticket on such vehicle, cause such vehicle to be removed, and all expense of such towing and subsequent storage, shall be borne by the registered owner of such vehicle.
(Ord. passed 3-21-2002) Penalty, see § 92.99

§ 92.20 EFFECTIVE DATE.

This subchapter became effective 15 days after its publication in a newspaper having circulation of the town (4-9-2002).
(Ord. passed 3-21-2002)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Anyone violating § 92.01 of this chapter may be fined not more than \$100 by a citation issued by the Open Burning Official or the Fire Marshal.

(C) If the violation of § 92.19 of this chapter has not been remedied within ten days of the issuance of the written notice, the Fire Marshal shall serve upon the owner or operator of such vehicle or place upon such vehicle a citation in the amount of \$100 per day in accordance with § 10.99 of this code of ordinances.

(Ord. passed 3-17-1999; Ord. passed 3-21-2002)

CHAPTER 93: ANIMALS

Section

93.01 Dogs; redemption fees

§ 93.01 DOGS; REDEMPTION FEES.

(A) The redemption fee for redeeming any dog captured or impounded under the provision of Conn. Gen. Stat. Ch. 435 is fixed at a sum as set by the town from time to time. In addition to the herein prescribed redemption fee, the owner or keeper of such dog, or his or her agent, shall pay all cost of advertising incurred under the provisions of Conn. Gen. Stat. § 22-332, and shall further pay the full cost of detention and care of such impounded dog, determined by the town from time to time, commencing 24 hours after impoundment.

(B) This section took effect 15 days after publication (both 5-16-1987 and 6-10-1995).
(Ord. passed 4-28-1987; Ord. passed 5-17-1995)

CHAPTER 94: NOISE

Section

94.01 Reasonable noise

94.99 Penalty

§ 94.01 REASONABLE NOISE.

(A) Amplifiers in the town featuring either or both musical and sound effects shall be lowered to a reasonable volume at the hour of 11:00 p.m., prevailing time. This section shall not affect vehicles on emergency calls.

(B) This section became effective 7-15-1965.

(Ord. passed - -) Penalty, see § 94.99

§ 94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person or persons who shall violate the provisions of § 94.01 of this chapter shall be fined not more than \$25 for each offense.

(Ord. passed - -)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL BUSINESS PROVISIONS

111. PEDDLERS, HAWKERS, CANVASSERS AND THE LIKE

CHAPTER 110: GENERAL BUSINESS PROVISIONS

Section

- 110.01 Bazaars and raffles
- 110.02 Beer and liquor
- 110.03 Bingo games, bazaars and raffles

§ 110.01 BAZAARS AND RAFFLES.

(A) The town shall allow bazaars and raffles.

(B) This section became effective 10-3-1955.

(Ord. passed - -)

§ 110.02 BEER AND LIQUOR.

(A) The town voted to allow the sale of alcoholic liquor in the town, under Conn. Gen. Stat. § 30-91. (Park regulations, however, restrict the use of beer and liquor at all parks in the town. These regulations are found in their entirety in § 91.15 of this code of ordinances.)

(B) This section became effective 10-2-1967.

(Ord. passed - -)

Cross-reference:

Recreation and Leisure, see Ch. 91

§ 110.03 BINGO GAMES, BAZAARS AND RAFFLES.

The Board of Selectmen voted to permit the playing of bingo permanently in accordance with the General Statutes.

(A) *Bingo games, bazaars and raffles.* The town hereby confirms its prior authorization of bingo games, bazaars and raffles within the municipality, subject to the provisions of the Conn. Gen. Stats., as amended by Public Act No. 17-231.

(B) *Application forms, permit fees.* The town hereby authorizes the use of the application forms prescribed by the Commissioner of Consumer Protection and adopts the maximum permit fees authorized by the Conn. Gen. Stats., as amended by Public Act No. 17-231, and as may subsequently be amended by future legislation.

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(C) *Administration.* The First Selectman, as the chief executive officer of the town, is hereby authorized to administer the provisions of the Conn. Gen. Stats. applicable to bingo games, bazaars and raffles previously administered by the Commissioner of Consumer Protection and now delegated to the municipality pursuant to Public Act No. 17-231, effective January 1, 2018.

(Ord. passed 9-15-1958; Ord. passed 6-28-2018)

Statutory reference:

Related provisions, see Conn. Gen. Stat. § 7-169

CHAPTER 111: PEDDLERS, HAWKERS, CANVASSERS AND THE LIKE

Section

- 111.01 Definitions
- 111.02 Exemptions and exclusions from licensing
- 111.03 License required
- 111.04 License application and accompanying documents
- 111.05 Investigations, issuance and denial of license
- 111.06 Certain acts prohibited to license holders
- 111.07 License suspension or revocation
- 111.08 Application fees
- 111.09 License expiration and renewal
- 111.10 Use of public and/or private streets
- 111.11 Use of town property
- 111.12 Use of private property
- 111.13 Records
- 111.14 State license prerequisite to issuance
- 111.15 Prior licenses
- 111.16 Severability
- 111.17 Permit fee schedule
- 111.18 Effective date; manner of publication

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Peddlers, hawkers, canvassers, solicitors and/or vendors.

CANVASSERS or SOLICITORS. Any person, whether principal or agent, who goes from place to place in the town; from house to house or from street to street obtaining or attempting to obtain orders for the sale of any goods or services, which goods or services shall be furnished or performed in the

future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether the individual is collecting advance payments or not. Also, any person, who hires, occupies or uses any place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

NON-PROFIT. Recognized by the Internal Revenue Service and/or the state.

PEDDLERS or HAWKERS. Any person, whether principal or agent, who goes from place to place in the town selling, bartering, vending or peddling, or carrying for sale or barter, any goods, wares or merchandise.

PERSON. Any individual, partnership, corporation, association, club, organization and/or group.

PUBLIC AND/OR PRIVATE STREET(S).

(1) All areas within the town's street rights-of-way or street lines, whether public or private, or within the street line or right-of-way of any state highway other than a limited access highway.

(2) For the purpose of this chapter, the judgment of any town or state police officer, exercised in good faith, shall be deemed conclusive as to whether the public is impeded or inconvenienced or the public safety impaired.

TOWN. The Town of Morris.

VENDOR. Any person, whether principal or agent, who shall engage in a temporary or transient business in the town selling goods, wares and/or merchandise, and who for the purpose of carrying on such activities and/or business, shall hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and/or merchandise.
(Ord. passed 9-29-1988)

§ 111.02 EXEMPTIONS AND EXCLUSIONS FROM LICENSING.

The following persons and activities shall be exempt from licensing under the regulations provided by this chapter:

(A) Salespersons selling goods to authorized retail and/or wholesale establishments;

(B) Sales by farmers and gardeners of the produce from their farms and gardens or the sale, distribution and delivery of milk, teas, coffee, spices, groceries, meats and bakery goods;

(C) Sales on approval or conditional sales of merchandise for future delivery when full payment is not required at the time of solicitation, as provided in Conn. Gen. Stat. § 21-37;

(D) Persons exempted by the Conn. Gen. Stat. Ch. 407 and 408, or persons who act for, and on behalf of, any recognized non-profit organization, political, charitable, civic social service, volunteer fire, religious or school-sponsored organization of the town;

(E) Sales at any event conducted either by the town or any organization described in division (D) above; and

(F) Newspaper carriers and/or vendors of newspapers.

(Ord. passed 9-29-1988)

Statutory reference:

Home Solicitor's Sales Act, see Conn. Gen. Stat. Ch. 740

§ 111.03 LICENSE REQUIRED.

Unless specifically exempted in § 111.02 of this chapter, it shall be unlawful for any individual to engage in the business and/or activity, as defined in this chapter, within the corporate limits of the town without first obtaining a license as provided herein.

(Ord. passed 9-29-1988) Penalty, see § 111.99

§ 111.04 LICENSE APPLICATION AND ACCOMPANYING DOCUMENTS.

(A) Applications for a license must file with the First Selectman or designated agent a sworn application in writing, in duplicate, on a form, which shall contain the following information:

(1) Name, mailing and street address along with a description of the applicant and/or principal;

(2) A brief description of the nature of the business including services to be rendered and the goods to be sold;

(3) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(4) The length of time for which the request to conduct business is desired; and

(5) Upon request, a photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application which picture shall be two inches by two inches, clearly showing the head, shoulders and other distinguishing features of the applicant.

(B) All applications shall be sworn to by all persons required to sign same. Applications shall be signed by the applicant, as an individual, by all partners, if a partnership, and by the President, if a corporation.

(C) Before any license shall be duly issued, the applicant shall file a cash bond in the sum as set by the town from time to time or, in lieu thereof, an irrevocable letter of credit from a bank with an office or branch in the county. A surety bond issued by a surety company authorized to enter into such bonds in the state may be accepted at the sole discretion of the First Selectman. This bond applies to canvassers and solicitors.

(D) The First Selectman or designated agent shall have the authority, as vested by this chapter, to waive the requirements under divisions (B) and (C) above for good cause shown.
(Ord. passed 9-29-1988)

§ 111.05 INVESTIGATIONS, ISSUANCE AND DENIAL OF LICENSE.

(A) *Investigation.* Upon receipt of such application, the First Selectman may cause investigation into the business conduct of the applicant as deemed necessary for the protection of the public welfare. Upon a finding that the facts stated in the application are true and complete and in the absence of any ground set forth in division (C) below, the First Selectman or his or her designated agent shall issue a dated and signed license to be valid, subject to revocation as hereinafter provided.

(B) *Issuance.* The license shall include the full name of the applicant and of the principal, a picture of the applicant and a statement that the issuance of such a license does not constitute an endorsement by the town of the applicant, product or service of the applicant. Such license shall be carried on the applicant and shall be exhibited to any individual requesting to see the same at any time while said applicant is engaged in the business and/or activity authorized by such license or at any time at the request of any law enforcement officer or any member of the Board of Selectmen. The license shall bear the words either "licensed peddler" or "licensed vendor". No license issued under the provisions of this chapter shall be used by any person other than the one to whom it is issued.

(C) *Denial.* The First Selectman may deny an application for license for any of the following reasons:

(1) The applicant has violated any of the required prohibited practices as set forth in this chapter;

(2) An applicant's previous license has been revoked for any reason;

(3) The applicant's failure to act in the past or refusal to act in the future in accordance with the provisions of this chapter;

(4) The applicant's failure to obtain and exhibit upon request other licenses required by the state; and/or

(5) The applicant's failure to provide the required information for the above application.
(Ord. passed 9-29-1988)

§ 111.06 CERTAIN ACTS PROHIBITED TO LICENSE HOLDERS.

No license holder shall:

(A) Imply that having a license constitutes an endorsement or recommendation from the town. No person shall advertise in any manner that he or she has obtained a license from the town;

(B) Use any false or deceptive inducements;

(C) Fail to conduct themselves in an orderly manner or fail to comply with the provisions of this chapter;

(D) Fail to exhibit the license at all times; and/or

(E) Transfer said license to any other person, firm, corporation or organization.
(Ord. passed 9-29-1988) Penalty, see § 111.99

§ 111.07 LICENSE SUSPENSION OR REVOCATION.

(A) Any license issued under the provisions of this chapter may be suspended and/or revoked, after notice and hearing by the First Selectman for violation of this chapter or any other ordinance of the town or for any other violation of the General Statutes or regulations of the state agencies or for any of the following reasons:

(1) Upon receipt by the First Selectman or his or her designated agent of a complaint verified by a reliable person or persons concerning false advertising or misrepresentation by such licensee during the course of conducting specified business and/or activity;

(2) Upon a finding that the license should not have been issued because of any fact unknown to the town at the time of issuance of the license;

(3) Fraud or false statements made either in the application of license or in the conduct of the permit holder's business and/or activity;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting specified business activities in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; and/or

(6) Every suspension or revocation of a license shall be in writing and state the reason for such suspension or revocation and be dated. A notice in writing shall immediately be sent by the First

Selectman by certified or registered mail to the licensee and to the principal address shown on the application.

(B) Such suspension or revocation shall be effective as to the time of sending such notice; provided; however, that the person whose license has been suspended or revoked may within five days after sending of such notice, appeal to the Board of Selectmen for reinstatement, by a request in writing for such relief directed to the Board. The Board of Selectmen shall give the individual so appealing a hearing within 14 days after receipt of such request. Failure to hold such hearing within such time shall cause an automatic reinstatement of said license.

(Ord. passed 9-29-1988)

§ 111.08 APPLICATION FEES.

(A) *General.* At the time of filing an application for license as required by this chapter, the applicant shall pay a non-refundable license fee as set by the town from time to time, payable to the town to cover the cost of investigation and processing of said application.

(B) *Veterans' exemption.* Any resident of the state who has resided within the state for two years preceding the date of application for a license and who is a veteran with an honorable discharge who served in time of war, as defined in the General Statutes, shall be exempt from said application fee required under this section.

(Ord. passed 9-29-1988)

§ 111.09 LICENSE EXPIRATION AND RENEWAL.

(A) All licenses issued under the provisions of this chapter shall expire one year following the date of issuance. Upon expiration, the license may be renewed by the applicant upon request made to the First Selectman or designated agent, and upon payment of the yearly license fee provided herein; the fact of renewal shall be indicated on the applicant's license showing the new expiration date thereof.

(B) If a license is not renewed within one year of expiration, the applicant will be required to submit a new application and comply with all the requirements of such new application, including an application fee as set forth in § 111.08 of this chapter.

(Ord. passed 9-29-1988)

§ 111.10 USE OF PUBLIC AND/OR PRIVATE STREETS.

Unless otherwise permitted by the General Statutes or ordinances of the town, no applicant shall:

(A) Have an exclusive right to any location on or any area abutting and/or adjoining any public or private street;

(B) Be permitted a stationary location on any public or private street;

(C) Be permitted to operate on any street where the business and/or activity might impact, impede or inconvenience the public or impair the public safety and/or transit; and/or

(D) An applicant holding a valid license under this chapter shall be presumed to have a stationary location if:

(1) Such individual remains in the general location while not in the act of selling; or

(2) Such individual is in one general location for more than two hours per day.

(Ord. passed 9-29-1988)

§ 111.11 USE OF TOWN PROPERTY.

(A) Unless otherwise permitted by the General Statutes or ordinances of the town, no applicant shall have use of any town property other than as permitted by this chapter to conduct business.

(B) Any person who acts for or on behalf of any non-profit organization, political, charitable, civic, social organization, volunteer fire, religious, service or school-sponsored organization, or any person who transacts business at an event conducted by such organization or by the town, shall be exempt from the prohibition of this section; provided, such person received that prior authorization of the First Selectman.

(Ord. passed 9-29-1988) Penalty, see § 111.99

§ 111.12 USE OF PRIVATE PROPERTY.

No license shall be issued for conducting business and/or activity on private property without the written consent of the property owner affected and the certification of the town's Zoning Enforcement Officer that the use complies with all applicable zoning regulations of the town.

(Ord. passed 9-29-1988)

§ 111.13 RECORDS.

A complete listing of all individuals and/or applicants issued licenses shall be made available by the First Selectman or designated agent to the Town Clerk for public inspection.

(Ord. passed 9-29-1988)

§ 111.14 STATE LICENSE PREREQUISITE TO ISSUANCE.

Prior to being eligible for issuance of the license required by this chapter, all applicants must have fulfilled all of the requirements of the General Statutes and hold in possession all applicable state licenses.

(Ord. passed 9-29-1988)

§ 111.15 PRIOR LICENSES.

Licenses in effect on the effective date of this chapter shall continue to be controlled by the ordinance in effect at the time of issuance, but, upon expiration, shall be renewed subject to the conditions of this chapter.

(Ord. passed 9-29-1988)

§ 111.16 SEVERABILITY.

The provisions of this chapter are hereby declared to be severable and, if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

(Ord. passed 9-29-1988)

§ 111.17 PERMIT FEE SCHEDULE.

The permit fees shall be as by set by the Board of Selectmen from time to time.

(Ord. passed 9-29-1988)

§ 111.18 EFFECTIVE DATE; MANNER OF PUBLICATION.

This chapter took effect 15 days (11-4-1988) after publication of a summary of this chapter in a newspaper having a general circulation in the town as provided by Conn. Gen. Stat. § 7-157(b).

(Ord. passed 9-29-1988)

§ 111.99 PENALTY.

(A) Any person found to be violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50 per transaction.

(B) Each transaction or sale shall be deemed a separate offense.
(Ord. passed 9-29-1988)

TITLE XIII: GENERAL OFFENSES

[Reserved]

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. BUILDING REGULATIONS; CONSTRUCTION**
- 152. STREETS AND ROADS**

CHAPTER 150: GENERAL PROVISIONS

Section

Citation Procedures and Fines; Zoning, Inland Wetland and Watercourse Regulations

- 150.01 Authorization
- 150.02 Definitions
- 150.03 Zoning violations
- 150.04 Wetland violations
- 150.05 Citation procedure
- 150.06 Hearing procedure
- 150.07 Appeals
- 150.08 Remedies
- 150.09 Effective date

Land Use Application Fees

- 150.20 Schedule of fees
- 150.21 Zoning fees
- 150.22 Planning fees
- 150.23 Inland wetland and watercourse fees
- 150.24 Zoning Board of Appeals fees
- 150.25 State fees
- 150.26 Costs of processing applications
- 150.27 Effective date

CITATION PROCEDURES AND FINES; ZONING, INLAND WETLAND AND WATERCOURSE REGULATIONS

§ 150.01 AUTHORIZATION.

This subchapter is adopted pursuant to the Conn. Gen. Stat. §§ 7-152c, 8-12a and 22a-42g, as amended.

(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HEARING OFFICER. Any person(s) appointed by the Board of Selectmen pursuant to Conn. Gen. Stat. § 7-152c(b), as amended, to conduct hearings of contested citations issued pursuant to this subchapter. No person who serves as a Zoning Enforcement Officer, Wetlands Agent, Building Official, police officer, an employee or person who issues citations or a member of the Planning and Zoning Commission, Inland Wetlands and Watercourses Agency or Zoning Board of Appeals shall serve as **HEARING OFFICER**.

WETLANDS AGENT. The person appointed by the town's Inland Wetlands and Watercourses Agency to enforce the inland wetlands and watercourses regulations pursuant to Conn. Gen. Stat. §§ 22a-42a(c)(2) and 22a-44, as amended.

WETLANDS VIOLATION. Any violation of the town's inland wetlands and watercourses regulations originally adopted 8-25-1999, revised 6-16-2004, as amended, as determined by the town's Inland Wetlands and Watercourses Agency or its duly authorized agent.

ZONING ENFORCEMENT OFFICER. The person appointed by the town's Zoning Commission to enforce the zoning regulations pursuant to the Conn. Gen. Stat. §§ 8-3(e) and 8-12.

ZONING VIOLATION. Any violation of the town's zoning regulations originally adopted 1-15-1979, revised 3-5-2003, as amended, as determined by the town's Planning and Zoning Commission or its Zoning Enforcement Officer.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.03 ZONING VIOLATIONS.

(A) (1) The Zoning Enforcement Officer is authorized to issue citations for zoning violations as authorized by this subchapter. The citation may be served by hand delivery or by certified mail, return receipt requested, to the owner or lawful occupant of the premises where the violation exists.

(2) If the person named in the citation refuses to accept certified mail, the citation may be served by first class mail to the person's last known address of record.

(B) The fine for each violation shall be \$150. Multiple violations may result in multiple fines on the same premises and, for continuing violations, each day of violation shall be considered a separate offense, but only one citation need be served for either multiple or continuing violations arising from the same use, structure, condition, act or activity.

(C) The fine shall not accrue until 30 days following the date of issuance of the citation.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.04 WETLAND VIOLATIONS.

(A) *General.* Both the Wetlands Agency and the Wetlands Agent are authorized to issue citations for wetlands violations as authorized by this subchapter. Such citation may be served by hand delivery or by certified mail, return receipt requested, to the owner or lawful occupant of the premises where the violation exists. If the person named in the citation refuses to accept certified mail, the citation may be served by first class mail to the person's last known address of record.

(B) *Establishment of the fine.*

(1) The fine shall not exceed the maximum permitted under state law, and the amount shall be determined in accordance with division (B)(2) below. In addition, no such fine may be levied against the state or any employee of the state acting within the scope of his or her employment:

(a) For activities that occur within the established upland review area of an inland wetland of watercourse: \$250; and

(b) For activities that occur within an inland wetland or watercourse: \$500.

(2) Each day of violation shall be considered a separate offence, but only one citation need be served for either multiple or continuing violations arising from the same condition, act or activity.

(3) Any fine collected by the town pursuant to this section shall be deposited into the town's General Fund Account.

(C) *Notice.* The citation shall inform the person being fined of the allegations against him or her and the amount of the fines, that he or she has a period of 30 days from the date of the citation to make an uncontested payment of the fines and that the payment shall be made to the town at the Town Hall. In addition, the citation shall inform that he or she has ten days from the date of the citation to request a hearing by leaving or delivering a handwritten demand to the town's Inland Wetlands Commission.

(D) At its discretion, the town's Inland Wetlands Commission may seek additional penalties and remedies in accord with its regulations and the state's Inland Wetlands and Watercourse Act, Conn. Gen. Stat. §§ 22a-36 through 22a-45, including, but not limited to, declaratory and injunctive relief, civil penalties, attorney's fees and court costs.

(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.05 CITATION PROCEDURE.

(A) Any person receiving such a citation shall be allowed a period of 30 days from receipt of the citation to resolve the violation and to make an uncontested payment of the fine specified in the citation to the person(s) issuing the citation, or the Town Clerk, payable to the Town Treasurer. If the citation has been sent by regular mail pursuant to the provisions of this subchapter, the day of receipt of the citation shall be deemed to be three business days after the mailing of the citation.

(B) If the person who is sent a citation pursuant to this subchapter wishes to admit liability for any alleged violations, such person may, without requesting a hearing, resolve the violation and pay the full amount of the fine, either in person or by mail, to the Zoning Enforcement Officer or Wetlands Agent, as the case may be, or to the Town Clerk. All fines shall be made payable to the Treasurer of the town. Such payments shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in this subchapter shall be deemed to have admitted liability, and the Zoning Enforcement Officer or the Wetlands Agent or the Wetlands Agency, as the case may be, shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall, thereupon, enter and assess the fines provided for by this subchapter and shall follow the procedures hereinafter set forth in § 150.06(B) of this chapter.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.06 HEARING PROCEDURE.

(A) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days, nor more than 30 days, from the date of the mailing of the notice; provided, the Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by town and shall be deemed to be a business record within the scope of Conn. Gen. Stat. § 52-180 and evidence of the facts therein. The presence of the Zoning Enforcement Officer or the Wetlands Agent or a member of the Inland Wetlands Agency, as the case may be, shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in such person's behalf. The Zoning Enforcement Officer or the Wetlands Agent or members of the Wetlands Agency may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against such person upon finding of proper notice and liability under the applicable provisions of the zoning regulations or the inland wetlands and watercourses regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as the Hearing Officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under

oath or affirmation. The Hearing Officer shall announce the decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this chapter.

(B) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days, nor more than 12 months, after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the Judicial District of Litchfield, G.A. #18, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such 12-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of such record of assessment and court costs of \$8 against such person in favor of the town. Notwithstanding any other provision of the General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.07 APPEALS.

(A) A person against whom an assessment has been entered pursuant to this subchapter is entitled to judicial review by way of appeal.

(B) An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry fee for small claims cases, pursuant to the Conn. Gen. Stat. § 52-259, in the Superior Court, for the Judicial District of Litchfield, G.A. #18, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.08 REMEDIES.

(A) The remedies set forth in this subchapter shall be deemed to be in addition to such other remedies as are provided by law.

(B) The decision to assess fines under this subchapter shall be an exercise of municipal discretion, and shall not prevent the Zoning Enforcement Officer or the Wetlands Agent or the Inland Wetlands Agency, as the case may be, from instituting enforcement action, such as a cease and desist order or order to show cause, concurrently with the assessment of fines.
(Ord. passed 11-16-2006; Ord. passed 7-16-2014)

§ 150.09 EFFECTIVE DATE.

This subchapter took effect 15 days after publication of a summary of its provisions in a newspaper having a general circulation of the town, pursuant to Conn. Gen. Stat. § 7-157(b), (12-2-2006), and shall not be implemented until one or more Hearing Officers have been appointed by the Board of Selectmen. (Ord. passed 11-16-2006; Ord. passed 7-16-2014)

LAND USE APPLICATION FEES**§ 150.20 SCHEDULE OF FEES.**

(A) Pursuant to the authority of Conn. Gen. Stat. § 8-1c, a schedule of fees for the processing of applications to the Planning and Zoning Commission, Inland Wetlands Commission and Zoning Board of Appeals is hereby established. The schedule of fees shall apply to cover the cost of processing land use applications.

(B) When the actual cost of processing an application exceeds the minimum fees established by the Board of Selectmen, the town will bill the applicant for the actual excess amount. (Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.21 ZONING FEES.

Fees for zoning permits, application for a change of non-conforming use or expansion of legally existing non-conformity, site plan application, special exception applications, zone change application, special exception application for any tower with a top elevation in excess of 50 feet above grade shall be as set by the Board of Selectmen from time to time.

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.22 PLANNING FEES.

Fees for subdivision or re-subdivision of land shall be as set by the Board of Selectmen from time to time.

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.23 INLAND WETLAND AND WATERCOURSE FEES.

Fees for inland wetlands and watercourses shall be as set by the Board of Selectmen from time to time.

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.24 ZONING BOARD OF APPEALS FEES.

Fees for the Zoning Board of Appeals shall be as set by the Board of Selectmen from time to time. (Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.25 STATE FEES.

All applications for approvals required by Conn. Gen. Stat. Ch. 124, 126, 440 and 444 shall be charged the fee required by Conn. Gen. Stat. § 22a-27j, which is in effect at the time the application is filed.

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.26 COSTS OF PROCESSING APPLICATIONS.

(A) In addition to the fees set forth in §§ 150.21 and 150.22 of this chapter, the following schedule of fees shall apply to cover the cost of processing applications before the Planning and Zoning Commission.

(1) For a site plan application, special exception application or subdivision application, where the Planning and Zoning Commission determines the application review requires the services of a professional engineer, an additional fee based on the hourly rate and other expenses for engineering review shall be required.

(2) At the time an application is received, the Planning and Zoning Commission shall determine whether a consulting engineer's services are necessary or desirable for assistance in reviewing the application.

(3) The initial estimate of the fee and any other expenses for consulting engineering services shall be set based upon the number of hours and any other expenses estimated by the Commission's consulting engineer and the hourly rate for engineering services approved by the Commission.

(B) The fee shall be paid at the meeting where the application is received. This fee shall be held by the town in an escrow account and drawn down only for payment of bills submitted by the Commission's consulting engineer. Any funds remaining upon payment of all the Commission's consulting engineering bills shall be returned to the application.

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

§ 150.27 EFFECTIVE DATE.

This subchapter became effective 15 days after its publication in a newspaper having circulation in the town (6-9-2009).

(Ord. passed 5-26-1993; Ord. passed 10-28-1998; Ord. passed 10-24-2001; Ord. passed 12-29-2003; Ord. passed 12-14-2005; Ord. passed 5-13-2009)

CHAPTER 151: BUILDING REGULATIONS; CONSTRUCTION

Section

General Provisions

- 151.01 State Building Code adopted
- 151.02 Building permit fees

Torrington Area Health District

- 151.15 Septic and sewerage disposal permits
- 151.16 Well permits
- 151.17 Swimming pool permits
- 151.18 Additional requirements
- 151.19 Effective date

GENERAL PROVISIONS

§ 151.01 STATE BUILDING CODE ADOPTED.

The town adopts the Connecticut State Building Code, as the same exists on this date, to be effective on 9-25-1970.

(Ord. passed 9-10-1970)

§ 151.02 BUILDING PERMIT FEES.

(A) The fees for building permits shall be \$25 for the first \$1,000 estimated cost or fraction thereof, and \$10 for each additional \$1,000 of estimated cost or fraction thereof, or as set by the Board of Selectmen from time to time. Pursuant to the Connecticut State Building Code, and Conn. Gen. Stat. § 29-263, as amended, the Building Official of the town shall collect and remit to the Town Treasurer fees for building permits for the estimated cost of construction, erection, alteration, placement, moving, dismantling or demolition of any building, structure or sign as determined by the Building Official.

(B) The penalty fee for commencing work for which a building permit is required prior to issuance of a building permit or proper notification to the Building Official shall be \$100, in addition to the fees set forth by the Board of Selectmen.

(C) Any person aggrieved by the decision of the Building Official, with respect to the amount of any permit fee calculated hereunder, may file a written appeal within 30 days with the Building Code Board of Appeals for the town pursuant to Conn. Gen. Stat. § 29-266, as amended.

(D) The Board of Selectmen may, in its discretion, waive any permit fee due with respect to any application wherein the owner and applicant is the town, or any of its boards, commissions, authorities or non-profit organizations and the Regional School District #6.

(E) The Building Official may require affidavit of actual value.
(Ord. passed 10-23-1991; Ord. passed 10-28-1998; Ord. passed 3-23-2000; Ord. passed 8-14-2013; Ord. passed 6-28-2018)

TORRINGTON AREA HEALTH DISTRICT

§ 151.15 SEPTIC AND SEWERAGE DISPOSAL PERMITS.

No dwelling, building or other structure which requires on-site septic disposal shall be constructed, enlarged or its use changed or intensified, on any property which is not serviced by a public sewer line, without obtaining a permit from the Torrington Area Health District prior to the issuance of a building or zoning permit by the town. Activities subject to this subchapter include, by way of illustration, but not limitation, construction of a new dwelling or commercial building, addition or creation of a new room in an existing dwelling or commercial building, addition of customer or tenant space in any commercial or multi-family building, conversion of any dwelling or building from seasonal to year-round use, or the addition of new uses to an existing dwelling or building, whether or not a septic system already exists on the property.

(Ord. passed 5-22-1991) Penalty, see § 10.99

§ 151.16 WELL PERMITS.

No drinking water or industrial water supply will be dug, drilled, deepened or "worked" on any property without obtaining a permit from the Torrington Area Health District, prior to the issuance of any building or zoning permit by the town.

(Ord. passed 5-22-1991) Penalty, see § 10.99

§ 151.17 SWIMMING POOL PERMITS.

No above-ground or below-ground swimming pool of a structurally permanent nature shall be constructed or located on any property without obtaining a permit from the Torrington Area Health District, prior to the issuance of any building or zoning permit by the town.
(Ord. passed 5-22-1991) Penalty, see § 10.99

§ 151.18 ADDITIONAL REQUIREMENTS.

The requirements of this subchapter shall be in addition to, and shall not alter or supplant, any other requirements of the town or the Connecticut State Building Code. Failure to comply with this subchapter may result in revocation or suspension of any permits issued by the town with respect to such property and/or an action for enforcement of this subchapter. In the event an action for enforcement is brought by the town or the Torrington Area Health District for any violation of this subchapter, the subject party shall be liable to the town for its attorney's fees and court costs.
(Ord. passed 5-22-1991)

§ 151.19 EFFECTIVE DATE.

This subchapter is adopted pursuant to Conn. Gen. Stat. § 7-148(c)(7)(A) and (H) and the R.C.S.A. § 19-13-B100a. This subchapter took effect 15 days after its publication, or a summary thereof, in a newspaper having a general circulation in the town as provided by Conn. Gen. Stat. § 7-157(b) (6-10-1991).
(Ord. passed 5-22-1991)

CHAPTER 152: STREETS AND ROADS

Section

Street Numbers

- 152.01 Purpose
- 152.02 Assignment of street numbers
- 152.03 Affixing street numbers
- 152.04 Effective date

Road Encroachments

- 152.15 Purpose
- 152.16 Permit applications
- 152.17 Permit issuance
- 152.18 Permit conditions
- 152.19 Permit revocation
- 152.20 Relationship to other permits
- 152.21 Appeals
- 152.22 Severability
- 152.23 Effective date

- 152.99 Penalty

STREET NUMBERS

§ 152.01 PURPOSE.

The purpose of this subchapter is to promote public safety and convenience by providing a street numbering system whereby addresses may be readily identified to provide for prompt response of emergency services.

(Ord. passed 4-22-1986)

§ 152.02 ASSIGNMENT OF STREET NUMBERS.

Pursuant to Conn. Gen. Stat. § 7-148(c)(6)(C), as amended, the office of the Assessor shall assign street numbers to all building, parts of buildings and house lots fronting on any street or highway within the town and may change numbers, if necessary, to have a more orderly numbering system. When new streets are laid out, the office of the Assessor shall promptly assign numbers to each lot on said street. The office of the Assessor may assign numbers to streets or highways, all or portions of which have not been accepted by the town or which pass through private property. Such assignment of numbers shall not be construed as acceptance of such streets or highways or any portion thereof. Whenever the office of the Assessor has assigned a street number to a property, the office of the Assessor shall promptly notify by mail the owner or the agent of record of the property affected and shall also notify the occupant, if known, of any building or part thereof to which a number has been assigned. The office of the Assessor shall maintain maps showing the street numbers assigned to each property. Such maps and records shall be open for public inspection.

(Ord. passed 4-22-1986)

§ 152.03 AFFIXING STREET NUMBERS.

Each owner, agent or occupant shall affix to said building or part thereof, or to some object appurtenant thereto, the street number or numbers assigned by of office of the Assessor. All numbers shall be affixed so as to be clearly visible from the street or highway. Numbers shall be affixed within 60 days of receipt of notice from the office of the Assessor.

(Ord. passed 4-22-1986) Penalty, see § 152.99

§ 152.04 EFFECTIVE DATE.

This subchapter shall become effective 15 days after publication hereof in a newspaper having a general circulation in the town (5-11-1986).

(Ord. passed 4-22-1986)

ROAD ENCROACHMENTS**§ 152.15 PURPOSE.**

The purpose of this subchapter is to promote public safety along town highways and to minimize highway maintenance costs by requiring the issuance of road encroachment and driveway access permits

and by authorizing the Board of Selectmen to adopt written procedures governing the issuance of such permits.

(Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.16 PERMIT APPLICATIONS.

Pursuant to Conn. Gen. Stat. § 7-148, as amended, no person shall encroach upon town property or upon the town's highway right-of-way by any construction, reconstruction or modification without first having obtained from the Board of Selectmen a permit authorizing the same. An application must be filed with the Board of Selectmen, signed by the owner of the adjacent property and his or her contractor, describing the nature and schedule of work to be performed and accompanied by a plan or sketch showing the location and extent of construction in relation to the town's property or right-of-way boundary, existing highway, guardrail and drainage structures, utility poles (by number) and any traffic, sight lines or drainage such as intersections, other driveways, curves, hills, shoulder banks and gullies, walls, ledge outcropping, trees and shrubbery. The Board of Selectmen are authorized to establish a non-refundable fee sufficient to cover the costs of administration, inspection and supervision.

(Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.17 PERMIT ISSUANCE.

The Board of Selectmen may authorize the First Selectman, or qualified representative, to receive and review all permit applications and conduct site inspections. Failure to render a decision within 15 days from the date of receipt of the application shall be deemed a denial. In the event of an emergency, a temporary permit may be issued; provided that, a formal permit application is filed within three days thereafter.

(Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.18 PERMIT CONDITIONS.

The Board of Selectmen is authorized to adopt and publish written procedures governing permit applications, issuance, conditions and revocation, including, but not limited to, surety bond performance and maintenance requirements, liability insurance protection for the town, reimbursement of expenses for corrective work, traffic safety, sightline and drainage requirements and soil sedimentation and erosion control measures. In no event shall an applicant be required to pave his or her driveway for a distance greater than that from the edge of the highway pavement to his or her front property line. The normal paving requirement shall be 15 feet from the edge of the highway pavement unless special conditions dictate otherwise. Permits issued shall not be assigned or transferred without the consent of the Board of Selectmen.

(Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.19 PERMIT REVOCATION.

All work to be performed under the permit must be satisfactorily completed to the town's specifications within one year from the date of the permit. If the applicant fails to do so, the Board of Selectmen may, upon 15 days' written notice to the applicant and his or her surety, complete the work to the town's specifications and bill the applicant and his or her surety the town's actual cost of doing so. Failure to comply with the provisions of this subchapter, procedures adopted hereunder or any permit conditions shall, after notice and a hearing, constitute grounds for revocation of any permit granted. (Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.20 RELATIONSHIP TO OTHER PERMITS.

(A) No building permit for construction on property to be served by a driveway subject to this subchapter shall be issued by the Building Official until a driveway permit has been issued.

(B) No certificate of occupancy for any structure on such property shall be issued until the Board of Selectmen have certified in writing to the Building Official that all work required under the driveway permit has been performed to its satisfaction.

(C) In lieu of such certification and at the sole discretion of the Board of Selectmen, the applicant may execute an agreement and file a cash bond with the Board of Selectmen to secure completion of the work to be performed under the driveway permit. (Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.21 APPEALS.

(A) Any person aggrieved by a decision of the Board of Selectmen acting pursuant to this subchapter may, within 15 days from the date of the notice of decision, appeal such decision to the Building Code Board of Appeals which shall hear said appeal within 30 days from its receipt.

(B) The Board of Appeals shall have the authority to grant, to grant with conditions or to deny the appeal. (Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.22 SEVERABILITY.

The invalidity of any part of this subchapter shall not affect the validity of any other part, which can be given effect without such invalid part or parts. (Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.23 EFFECTIVE DATE.

This subchapter shall become effective 30 days after publication hereof in a newspaper having a general circulation in the town (5-14-2003).
(Ord. passed 4-22-1986; Ord. passed 5-14-2003)

§ 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who, after written warning, fails to comply with the requirements of §§ 152.01 through 152.04 of this chapter within 30 days shall be fined \$50.
(Ord. passed 4-22-1986)

TABLE OF SPECIAL ORDINANCES

[Reserved]

PARALLEL REFERENCES

References to Connecticut General Statutes
References to Ordinances

REFERENCES TO CONNECTICUT GENERAL STATUTES

<i>Conn. Gen. Stat. Cites</i>	<i>Code Section</i>
1-120	10.18
1-121	10.18
4-124i to 4-124p	30.23
4-124j	30.23
7-12	30.03
7-34b	30.02
7-131a	30.19, 30.22
7-136	30.20
7-148	10.99, 152.16
7-148(c)(4)(B)	92.15
7-148(c)(6)	30.28
7-148(c)(6)(C)	152.02
7-148(c)(7)(A) and (H)	151.19
7-148 (c)(8)(A)	30.22
7-148(c)(10)(A)	10.99
7-151a	30.17
7-152c	10.99, 150.01, 150.02
7-157(b)	111.18, 150.09
7-169	110.03
7-246	30.29
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<i>Conn. Gen. Stat. Cites</i>	<i>Code Section</i>
9-167a	30.16, 30.20, 30.26, 30.28
9-199(c)	30.16
9-210	31.06
12-41	31.02
12-81(19)	31.07
12-81f	31.07
12-81f(d)	31.07
12-81(56)(a)	31.05
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22a-42a(c)(2)	150.02
22a-42g	150.01
22a-44	150.02
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<i>Conn. Gen. Stat. Cites</i>	<i>Code Section</i>
22a-226d	10.99
22a-241b	50.19, 50.20
23-48	92.01
29-263	151.02
29-266	151.02
29-293(b)	92.15
30-91	110.02
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-	11-25-1974	30.26
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